



# MAHATMA GANDHI AND INDIA'S STRUGGLE FOR SWARAJ

WITH A FOREWORD

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## FOREWORD

The Satyagraha Movement is the greatest political movement of the world in modern times. It owes its greatness to its ethical and spiritual character. It is widely believed to be an effective moral substitute for war and, when successful, is destined to be generally accepted as such.

It is necessary that the history of such an important movement from its inception onwards, with all the documents and pronouncements connected with it, should be available in a handy form. The present volume, edited by Mr B Sen Gupta, supplies this want. It will prove useful to publicists and to all other students of the contemporary political history of India.

RAMANANDA CHATTERJEE.





## PREFACE TO THE FIRST EDITION

In the following pages a humble attempt has been made to present, in chronological order, the march of events from the Lahore Congress up to the conclusion of the second Round Table Conference, constituting a most important period in the history of the nation's struggle for freedom. The book contains, besides, a short synopsis of the last movement, proceedings of the first and second Round Table Conferences, a detailed account of Gandhi's activities in London, and the full texts of all his important speeches and pronouncements voicing the demand of the Congress and the Nation. In the Appendix have been included all Congress and Government declarations and statements.

Public memory is very short, and those who want to study carefully the incidents of this important period of Indian history and to follow future developments intelligently will, we hope, find this book useful as a compendium for ready reference. The publishers have spared no pains in making the book as attractive as possible. How far they have succeeded in their efforts it is for the reader to judge. Our debt of gratitude is due to S<sup>r</sup> Jatindra Nath Sarkar, M A, Assistant Editor of *Amrita Bazar Patrika* and S<sup>r</sup> Charu Chandra Sarkar, M A., B L., Assistant Editor, *Free Press of India* for the invaluable help they have rendered. Our thanks are also due to the *A. B. Patrika* for having allowed us the use of some of their blocks.

CALCUTTA,  
January 21, 1932

B SENGUPTA  
R CHOWDHURI



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## CHAPTER I

### A RETROSPECT.

THE national awakening in India may be said to have begun in the late eighties of the last century. Transfer of the administration of the country from the hands of the East India Company to the Crown, Queen Victoria's Proclamation, admission of non-officials into Councils for discussion of public affairs, the Ilbert Bill controversy and the spread of English education helped to quicken the national consciousness. The earlier notion of a paternal Government ensuring peace, plenty and prosperity and of the placid acquiescence of the people in everything done by the British in India came to be challenged. The writings in the *Bengalee*, *Amrita Bazar Patrika*, and the now defunct *Hindu Patriot* and *Indian Mirror*, all of which started as weeklies, created a large volume of public opinion against the autocratic aims and methods of administration. It was in such an atmosphere that the INDIAN NATIONAL CONGRESS was established in 1885 to voice the grievances and tram the aspirations of the people.

In the beginning, the activities of the Congress consisted in submitting prayers and petitions, establishing contact between different provinces and fostering nationalism through a mutual understanding and appreciation of common disabilities and sufferings. In short, the Congress stood for constitutional agitation, and Congressmen of those days, having great faith in professions of British Justice, believed that they could achieve





'Swadeshi vow,'\* designed by Bengal as a weapon for getting the Partition annulled was a step that has had far-reaching consequences and was immediately taken up by the whole country as a defensive measure against economic exploitation. And leaders of the advanced school in Bengal, Bombay and Punjab joined hands. Students participated in the movement in large numbers. Some even adopted the bomb and the pistol as their weapons and drove the movement underground.

The necessity of offering a united front was increasingly felt and the cleavage between the Extremists and the Constitutionalists was patched up at the Calcutta Congress in 1906 under the Presidentship of Dadabhai Naoroji, the Grand Old Man of Bombay who had the courage to put the seal of the Congress President on the word "Swaraj" which was, thus, for the first time, announced as the goal of the country. But this unity did not last long, and the very next year saw the Surat split where the Congress was broken up by the Extremists, who carried on a vigorous propaganda and counted their adherents by thousands.

Lord Curzon resigned in August 1905 and was succeeded by Lord Minto. Only a few weeks after Lord Morley came to the India Office as the new Secre-	<b>Minto-Morley Reforms</b>
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\* "Invoking God almighty to be our witness and standing in the presence of after generations we take this solemn vow that so far as possible we shall use home-made articles and abstain from the use of foreign articles. So God help us."

"Whereas the Government has thought fit to effectuate the Partition of Bengal in spite of universal protest of the Bengali nation we hereby pledge and proclaim that we as a people shall do everything in our power to counteract the evil effects of the dismemberment of our province and maintain the integrity of our race. So God help us."



family in Kathiawad, which furnished hereditary Dewans to Porbander, Rajkote and other States, Mohandas Karamchand Gandhi went to London quite early in life for education. He returned to India in 1891 after qualifying as a barrister-at-law from the Inner Temple. While practising as an Advocate of the Bombay High Court with some success, Gandhiji was induced to go to South Africa in 1893 to take up a case of some difficulty affecting the Indian settlers there. His public life may be said to have begun from this time. His first contact with the British authorities in South Africa was not happy. Gandhiji soon discovered that he had no rights as a man, because he was an Indian. Accordingly in 1894, Gandhiji founded the Natal Indian Congress and for some years acted as its Honorary Secretary. Before returning to India in 1895, he took a leading part in the successful attempt to defeat the Asiatics Exclusion Act and in the unsuccessful one to prevent the disfranchisement of the Indian community. Not embittered by such unfriendly treatment of Indians, Gandhiji gave the Government voluntary and hearty co-operation, when the existence of the Empire was threatened in 1899 by the Boer challenge, by raising a Volunteer Ambulance Corps. The corps was favourably reported on, and Gandhiji was mentioned in despatches and afterwards awarded the War Medal.

In 1901, owing to a break-down in his health, Gandhiji came to India but returned to South Africa the following year. In 1906, at the time of the Zulu revolt, he again raised a stretcher-bearer party and served till the end of the "Rebellion". Scarcely had he returned to Johannesburg to resume practice when a thunderbolt was launched by the Transvaal Government by promulgating the



which was to play such a great part in the subsequent political movement of the country. He delivered a number of other speeches in various places on problems immediately confronting the country.

The Champaran episode, which came next, stands prominent as the forerunner of the Civil Disobedience movement. Early in 1917, Mahatmajī decided to visit Champaran with a view to inquiring into the conditions of Indian labourers in indigo plantations. He reached Muzaffarpur on the 15th April, and as he crossed the boundary of the district he was served with a notice in the train by the Magistrate of Champaran to leave the district by the next train, because his presence was likely to disturb the public peace. His reply was significant of the man and his mission. He wrote to say that he could not obey the order and he was ready to suffer the penalty of disobedience. As a consequence, Gandhijī was prosecuted. He submitted a statement and to avoid delay pleaded guilty. The prosecution was, however, dropped, and a Commission of Inquiry was appointed with Gandhijī as a member. This led to the passing of the Champaran Agrarian Bill in December, 1917.

It was about this time Gandhijī devised the plan of submitting a monster petition to Mr. Montagu during his visit to India and putting up the Congress-League Scheme of reforms. The suggestion was adopted by the Congress and the petition was presented to Mr. Montagu at Delhi. Gandhijī presided over the first Social Conference held during the Congress week in Calcutta in December 1917 and made a thought-provoking speech, dilating on many problems including the grievances of third class railway passengers.









many people were put under arrest. People were flogged and made to crawl on their bellies, and bombs were thrown on many places from aeroplanes.

The news of the Punjab horrors caused deep and widespread indignation and a public inquiry was demanded. A Committee of Inquiry was appointed by the Government of India with Lord Hunter as its president. But the Government passed an Indemnity Act protecting its officers. In spite of this the Congress appointed a committee to lead evidence before the Hunter Committee. But the refusal of the President to secure temporary release of Congress leaders to collect evidence compelled the Congress to withhold co-operation and hold an independent inquiry. The findings of the Hunter Committee and the action of the Government on them failed to give satisfaction, and the failure of the Prime Minister to redeem his promise to the Indian Muslims regarding the Khilafat question led ultimately to the inauguration of the non-co-operation movement.

When war broke out between England and Turkey, the Indian Muslims lent their support to Britain in the hope that their religious places would be kept under Muslim control and they would be able to secure for their Turkish co-religionists favourable terms. When the war came to an end, the Muslims felt that the assurances given to them might not be fulfilled and they started the Khilafat agitation, which gained considerable strength under the lead of Maulanas Shaukat Ali and Muhammad Ali. Several Khilafat Conferences were held in which resolutions were passed thanking Mahatma Gandhi and the Hindus for their co-operation in the Khilafat agitation and holding out threats of withholding co-operation from the British.



tured the Congress and converted its leading spirits to his creed. Henceforth, the old creed of the Congress was discarded for the new one of indifference to British over-lordship. Mahatma Gandhi was not slow to use his great authority over the Congress to further the movement of which he was the directing genius. He set out on an extensive tour of the country, preaching the new cult with the fervour of a prophet.

By May, 1921, strikes and *hartals* became the order of the day. Mahatmaji, however, resolutely dis-countenanced all forms of violence in furtherance of the non-co-operation programme. The annual session of the Congress held at Ahmedabad in December, 1921, invested Mahatma Gandhi with full dictatorial powers for conducting the national movement. In January 1922, Mahatma Gandhi addressed an open letter to Lord Reading, which was in effect an ultimatum holding out the threat of an immediate inauguration of Civil Disobedience in Bardoli. The Government of India, in a communique published on the 6th February in reply to Gandhi's letter, repudiated his charges against the Government and urged that the issue before the country was no longer between this or that programme of political advance, but between lawlessness with all its consequences on the one hand, and on the other, the maintenance of those principles which lay at the root of all civilised governments. Mahatmaji in a further rejoinder issued on the very next day pointed out that the choice before the people was mass civil disobedience with all its undoubted dangers and lawless repression of the lawful activities of the people.

While Gandhi was about to inaugurate mass civil disobedience in Bardoli, there was a terrible outburst

of violence by an infuriated mob at Chauri Chaura on the 14th February. This was taken by Mahatmaji as a divine warning to suspend civil disobedience, and the Bardoli programme was accordingly given up. But, shortly after, Gandhiji was arrested at the Satyagraha Asram, Ahmedabad, on March 10, 1922, on the charge of preaching sedition through four articles published in *Young India*. His trial came off on the 18th March, before Mr C M Bloomfield, I C S, District and Sessions Judge, Ahmedabad, who sentenced him to six years' simple imprisonment. Mahatma Gandhi was imprisoned in Yeravada jail for nearly two years. And during this period, true to his ideal of jail life for a civil resister, Gandhiji cut himself off entirely from all connexion with the outside world.

Then came the formation of the Swaraj Party by the late Deshbandhu Das supported by the late Pandit Motilal

Nehru, leaders who felt the necessity

**Swaraj Party** of inaugurating a fresh line of action and a new policy within the Congress. Congressmen thus captured the Councils and the local bodies but only to follow obstructionist tactics and hamper their working from within. And in this they were successful. Monopoly of real power by the Reserved Departments and the helplessness of the Ministers to remove unemployment and initiate popular measures demonstrated the futility of the Reforms and added strength to the agitation for further political power.

Early in 1924, Gandhiji was removed to the Sassoon Hospital, Poona, where he was operated upon by Col Maddock for appendicitis. While convalescing, Mahatma Gandhi was released on grounds of health on the 7th of February, 1924. He became very much concerned at the tension between Hindus and Muslims that had originated during his absence and grown to

portentous proportions within a few months of his release. On the 11th September, while staying as the guest of Moulana Muhammad Ali at Delhi, Mahatma Gandhi undertook a fast of twenty-one days both as penance and prayer, because mutual distrust between Hindus and Muslims, which led to riot after riot, proved unbearable to him. "It seems as if God has been dethroned. Let us reinstate Him in our hearts"—said Gandhi in the course of a statement announcing this fierce resolve. The immediate result of Gandhi's penance was the calling of a conference of all parties and denominations to meet at Delhi and devise means for bringing about unity. The Conference of 300 representatives which included the Metropolitan of India came off on the 26th September and chalked out a plan designed to secure that unity. Gandhi was unanimously elected to preside over the annual session of the Indian National Congress held in December, 1924 at Belgaum. In his presidential address, which was the briefest in the Congress record, while re-affirming his faith in the spinning-wheel, Hindu-Muslim unity, and the removal of untouchability, Mahatma advised the suspension of his orthodox programme of Non-co-operation with a view to harmonising the differences among the diverse sections of Congressmen represented by the No-changers and the Swarajists. Under Mahatma's lead the Congress at this session ratified the Council-entry programme advocated by the Swarajist group of Congress-men led by Deshbandhu Chittaranjan Das. Soon after the Belgaum Congress, Gandhi made a tour all over the country calling upon the people to carry out the Congress mandate in regard to Khaddar, untouchability, and other items of social and political reconstruction. During the next four years he confined himself primarily to his programme of Khaddar and untouchability and prohibition,

and rarely, if ever, took part in aggressive politics. But Extreme views were steadily gaining ground in Congress circles and under the influence of Mr Srinivasa Iyengar and Pandit Jawaharlal Nehru, the Madras Congress in 1927 declared that "the goal of the Indian people is complete independence". Mahatma Gandhi did not lend his support to this view even then. But the spirit of separatism, once let loose, was not to be curbed by the reasoning even of a man of Mahatma's influence and persuasiveness.

The momentous sessions of the Congress at Calcutta, Lahore and Karachi adopted Complete Independence as the goal of India. The Government not having taken any steps to meet Indian aspirations Mahatma Gandhi launched the Salt Satyagraha movement in March, 1930.

A Round Table Conference might have settled things if it had been announced in 1924 or even in 1927. But the British Government thrust upon a weary people an all-British Commission with Sir John Simon as its Chairman to inquire into India's fitness for Swaraj. It at once met with a storm of opposition from all sections of the people. Even the Liberals were against it. They refused to have anything to do with the Commission and ranged themselves on the side of a most determined opposition. In the face of a common adversity the cleavage between the two schools of thought in India seemed to have vanished. The Madras Congress had passed the Independence Resolution, but Independence had been placed before the nation only "as the goal" and not as an immediate objective. Still the Liberals were opposed to this position. But after the colossal blunder of appointing an all-British Commission even the Liberals were disillusioned. The united opposition this Commission

evoked among all parties in India found expression in the shape of the most rigorous boycott of the "Simon Seven", who were greeted wherever they went with the cry "Simon, Go Back "

The very first day of their arrival in India, February 3, 1928, was observed all over the country as a *hartal*: Black-flag processions, which paraded the streets in all cities and towns on that day, bore a striking testimony to the feeling of indignation that was sweeping all over the country. These demonstrators came in for much rough handling at the hands of the police. In some places, the processionists were dispersed by the police, many people sustaining injuries. The Commission, on their first visit, surveyed the situation in India in a general way for three months and left India in April to return in October, when they proposed to record evidence. In the meantime an Indian wing of the Commission was formed with nine members of the Legislative Assembly and the Council of State, Sir Sankaran Nair being the Chairman, and each Province had a Provincial Committee selected from among the members of the Council to co-operate with the Commission. Besides these another Committee, with Sir (then Mr) P J Hartog, as Chairman, was appointed to inquire into educational progress in the country. These auxiliary Committees also met with the same opposition, only a handful of loyalists co-operating.

The Commission returned to India in October, 1928 and visited Poona, Lahore, Lucknow, Delhi, Madras, Patna, Calcutta and other places for recording evidence. At every centre they visited they were greeted with the same determined opposition from Indians of all shades of opinion, and cries of "Simon, Go Back" rent the air. Many were the unpleasant incidents that took place as a



sequel to these demonstrations. At Lahore, Lala Lajpat Rai, the Lion of the Punjab, while leading a black-flag demonstration, received lathi-blows on his chest, and this was principally responsible for at least hastening his death in a fortnight's time.

At Lucknow, Pandit Jawaharlal Nehru was assaulted along with others under similar circumstances. These demonstrations were repeated in almost all the cities visited by the Commission including Patna, Calcutta, Madras, Allahabad and Nagpur. Disowned by the people whose destiny they had come to shape but welcomed by officialdom wherever they went, the Simon Seven, however, carried on their work as best as they could, relying on the briefs supplied by the Government.

The Commission after a labour of two years produced their report in June, 1930. They recommended Provincial Autonomy with safeguards, which considerably whittled down the very offer both in theory and in detail. As regards the Central Government, they expressed themselves against the grant of any measure of responsibility to the Legislature. These recommendations were, as was to be expected, universally condemned as falling far short of the National Demand.

On the appointment of the Simon Commission in Nov. 1927 Liberals and Congress leaders discussed matters and came to recognise that a common platform might now be erected over an agreement on the fundamental national demand. Both the schools could then present a united front. This idea found concrete shape in the All-Party Conference. It produced the historic document known as the Nehru Report. It formulated the nation's minimum demand "as representing the greatest common measure of agreement amongst all parties." It was regarded as

very reasonable proposal, though it was not wholly acceptable to the Mussulman groups Pandit Motilal Nehru moved at the Calcutta Congress in 1928 the adoption of the Report but it met with a powerful and determined opposition from the younger and progressive section of Congressmen headed by Mr Srinivasa Iyengar, Pandit Jawaharlal Nehru, and S<sup>r</sup> Subhas Chandra Bose Mahatma Gandhi averted a crisis by moving a compromise resolution accepting Dominion Status on condition it was granted by the 31st of December, 1929, conceding, however, to the advocates of Independence the right to carry on Independence propaganda

About this time Lord Irwin went to England and returned to India after consultation with the Labour Government and also presumably

Lord Irwin's  
Declaration

with his own (Conservative) party, the support of which he was supposed to have On the 31st of October, 1929, Lord Irwin made a declaration on the goal of British administration in India with the previous sanction of the British Government This Declaration ran as follows —

The goal of British policy was stated in the Declaration of August 1917 to be that providing for "the gradual development of self-governing institutions with a view to the progressive realisation of Responsible Government in India as an integral part of the British Empire" As I recently pointed out, my own instrument of instructions from the King-Emperor expressly states that it is His Majesty's will and pleasure that the plans laid by Parliament in 1919 should be the means by which British India may attain its due place among his Dominions Ministers of the Crown, moreover, have more than once publicly declared that it is the desire of the British Government that India should, in the fulness of time, take her place in the Empire in equal partnership with the Dominions But in view of the doubts which have been expressed both in Great Britain and India regarding the interpretation to be placed in the intentions of the British Government

in enacting the statute of 1919, I am authorised on behalf of His Majesty's Government, to state clearly that in their judgment, it is implicit in the Declaration of 1917 that the natural issue of India's constitutional progress, as therein contemplated, is the attainment of Dominion Status

In spite of the prevailing mistrust, the declaration raised great hopes. Soon after a conference of leaders of all parties met in Delhi to consider the announcement. A resolution drafted by Mahatma Gandhi himself and amended by Sir Tej Bahadur Sapru was issued. It was couched in a friendly spirit. It appreciated the sincerity underlying the Viceroy's declaration as also the desire of the British Government to placate Indian opinion. The resolution further stated —

Leaders'  
Interpretation

We hope to be able to tender our co-operation to His Majesty's Government in their efforts to evolve a scheme of Dominion constitution suitable for India's needs

We consider it vital for the success of the proposed conference that (a) a policy of general conciliation should be definitely adopted to induce a calmer atmosphere (b) political prisoners should be granted a general amnesty (c) representation of progressive political organisations should be effectively secured and that the Indian National Congress, as the largest among them, should have predominant representation

Some doubt has been expressed about the interpretation of the paragraph in the statement made by the Viceroy on behalf of His Majesty's Government regarding Dominion Status. We understand, however, that the Conference is to meet not to discuss when Dominion Status is to be established but to frame a scheme of Dominion Constitution for India. We hope that we are not mistaken in thus interpreting the import and implications of the weighty pronouncement of H. E. the Viceroy.

It was universally felt that a heart-to-heart talk with the Viceroy himself might further pave the way for the success of the conference to be held in London. Accordingly a conference between the Viceroy and some of the

leaders viz Mahatma Gandhi, Pandit Motilal Nehru Mr V J Patel, Sir Tej Bahadur Sapru and Mr Jinnah was arranged at the Viceregal Lodge, Delhi, on December 23, 1929. The meeting roused great expectations, but to the surprise of many it failed after three hours' attempt to reach a settlement.

The Lahore Congress, therefore, met in an atmosphere surcharged with excitement. The issue before it was

clear President Jawaharlal's address  
**Lahore Congress** was bold and uncompromising

Mahatmaji himself moved the following resolution defining the goal of the Congress as Purna Swaraj (Complete Independence) —

The Congress, whilst endorsing the action of the Working Committee in connexion with the manifesto signed by the party leaders, including Congressmen, in connexion with the pronouncement of the 31st October relating to Dominion Status and appreciating the efforts of H E the Viceroy towards a peaceful settlement of the national movement for Swaraj and having considered the result of the meeting between the Viceroy and Pandit Motilal Nehru and other leaders, is of opinion that nothing is to be gained in the existing circumstances by the Congress being represented at the proposed Round Table Conference.

And in pursuance of the resolution passed at the Calcutta Congress last year this Congress now declares that Swaraj in the Congress creed shall mean Complete Independence, and therefore further declares the Nehru Scheme of Dominion Status to have lapsed, and hopes all parties in Congress will devote their exclusive attention to the attainment of Complete Independence, and hopes also that those whom the tentative solution of the communal problem suggested in the Nehru Constitution has prevented from joining the Congress or actuated them to abstain from it, will now join or rejoin the Congress and zealously prosecute the common goal,

And as a preliminary step towards organising a campaign for Independence and in order to make the Congress policy consistent with the change of creed, this Congress declares a boycott of the

Central and Provincial Legislatures and calls upon Congressmen to abstain from participating, directly or indirectly, in the Legislatures in future, and the present members of the Legislatures to tender their resignation,

and the Congress calls upon the nation to concentrate its attention upon the constructive programme of the Congress and authorises the All-India Congress Committee whenever it deems fit to launch a programme of Civil Disobedience including non-payment of taxes, whether in selected areas or otherwise and under such safeguards as it may consider necessary

Matters now moved fast. The Viceroy delivered a speech in the Assembly, which further widened the breach. "His Excellency the Viceroy deserves the thanks of every Congressman for having cleared the atmosphere and let us know exactly where we stand"—wrote Mahatmaji commenting on the Viceroy's address. In conclusion Mahatmaji made the following offer to Lord Irwin, which he also made to Mr Ramsay MacDonald through Mr Bomanji:—(1) Total prohibition (2) Reduction of the rupee exchange to rs 4d (3) Reduction of Land Revenue by at least 50 per cent and making it subject to legislative control (4) Abolition of the Salt Tax. (5) Reduction of military expenditure at least by 50 per cent, to begin with. (6) Reduction of salaries of the highest-grade services by half or less, so as to suit the reduced revenue (7) Protective Tariff on foreign cloth (8) Passing of the Coastal Reservation Bill. (9) Discharge of all political prisoners, save those condemned for murder or attempt to murder or trial by ordinary judicial tribunals, withdrawal of all political prosecutions, abrogation of section 124A and Regulation III of 1818, and giving permission to all Indian exiles to return. (10) Abolition of the C. I. D. or its popular control (11) Issue of licenses to use fire-arms for self-defence, subject to popular control

"Let the Viceroy satisfy us with regard to these very simple but vital needs of India. He will then hear no talk of Civil Disobedience, and the Congress will heartily participate in any conference where there is a perfect freedom of expression and demand" wrote Gandhiji. And non-compliance with these essential demands led to the launching of Civil Disobedience.

## CHAPTER II

### CIVIL DISOBEDIENCE MOVEMENT

THE Lahore Congress marked a new epoch in India's political history in as much as it was at Lahore that the Indian National Congress for the first time proclaimed before the world Purna Swaraj (complete independence) as the goal of the nation. Following that momentous declaration 'Independence Day' was celebrated on January 26, all over the country. On that memorable day India took the pledge to assert her birth-right. It was the determination of a people thirsting for emancipation to claim the right to manage their own affairs in their own country and in their own way—a privilege enjoyed by the citizens of every independent nation all over the civilised world. And on January 26, the nation gave public expression to that resolve at numerous meetings held all over the country where national flags were hoisted and the following pledge was taken —

"We believe that it is the inalienable right of the Indian people as of any other people, to have freedom and to enjoy the fruits of their toil and have the necessities of life, so that they may have full opportunities of growth. We believe also that if any Government deprives a people of these rights and oppresses them the people have a further right to alter it or to abolish it. The British Government in India has not only deprived the Indian people of their freedom, but has based itself

Civil Disobedience  
Movement.

Independence  
Pledge.

on the exploitation of the masses, and has ruined India economically. We believe, therefore, that India must sever the British connection and attain Purna Swaraj or complete independence.

"India has been ruined economically. The revenue derived from our people is out of all proportion to our income. Our average income is seven pice (less than two pence) per day, and of the heavy taxes we pay 20 per cent are raised from the land revenue derived from the peasantry and 3 per cent from the salt-tax which falls most heavily on the poor.

"Village industries, such as handspinning, have been destroyed, leaving the peasantry idle for at least four months in the year, and dulling their intellect for want of handicrafts and nothing has been substituted, as in other countries, for the crafts thus destroyed.

"Customs and Currency have been so manipulated as to heap further burdens on the peasantry. British manufactured goods constitute the bulk of our imports. Customs duty betray clear partiality for British manufacturers, and revenue from them is used to lessen the burden on the masses, but for sustaining a highly extravagant administration. Still more arbitrary has been the manipulation of the Exchange ratio which has resulted in millions being drained away from the country.

"Politically, India's status has never been so reduced as under the British regime. No Reforms have given real political power to the people. The tallest of us has to bend before foreign authority. The rights of free expression of opinion and free association have been denied to us and many of our countrymen are compelled to live in exile abroad and cannot return to their homes.



All administrative talent is killed and the masses have to be satisfied with petty village offices and clerkships

"Culturally, the system of education has torn us from our moorings and our training has made us hug the very chains that bind us

"Spiritually, compulsory disarmament has made us unmanly and presence of an alien army of occupation, employed with deadly effect to crush in us the spirit of resistance, has made us think that we cannot look after ourselves, or put up a defence against foreign aggression, or even defend our homes and families from attacks of thieves, robbers and miscreants

"We hold it to be a crime against Man and God to submit any longer to a rule that has caused this four-fold disaster to our country. We recognise, however, that the most effective way of gaining our freedom is not through violence. We will, therefore, prepare ourselves by withdrawing so far as we can all voluntary association from the British Government and will prepare for civil disobedience, including non-payment of taxes. We are convinced that if we can but withdraw our voluntary help, and stop payment of taxes without doing violence, even under provocation, the end of this inhuman rule is assured. We, therefore, hereby, solemnly resolve to carry out the Congress instructions issued from time to time for the purpose of establishing Purna Swaraj "

This celebration was the true index of the strength of the nation and its will to respond and a momentous step forward was taken by the Congress Working Committee at Ahmedabad on Feb. 15, 1930 when it decided to launch Civil Disobedience to reach that goal. The Committee authorised Mahatma Gandhi and others believ-

ing in non-violence as an article of faith to start Civil Disobedience as and when they decide

"The resolution of the Working Committee," wrote Gandhiji in *Young India* "gives me my charter of freedom, if it also binds me in the highest of chains. It is the formula which I have been in search of these long and weary months. For me the resolution is not so much political as a religious effort. The responsibility devolving on me is the greatest I have ever undertaken. It was irresistible but all will be well if it is *Ahimsa* that is guiding me. My Civil Disobedience is sometimes the peremptory demand of love. Dangerous it undoubtedly is but no more than the encircling violence. The danger lies in one direction—in the outbreak of violence side by side with Civil Disobedience. If it does, I know no way. No retracing as at the time of Bardoli, the struggle in freedom's battle of non-violence against violence, no matter from what quarter the latter comes, must continue till a single representative is left alive. More, no man can do. To do less would be tantamount to want of faith."

<p>But before actually embarking on Civil Disobedience</p> <p>Ultimatum to Viceroy</p>	<p>Mahatmaji made another attempt to see if the Viceroy was yet prepared to make any response to India's demand for freedom</p>
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He sent his famous letter (often called an ultimatum) to the Viceroy through an English youth, Reginald Reynolds, who personally delivered it to the Viceroy's Private Secretary. [The full text of the letter is included in the Appendix.] The Viceroy's reply "was curt and formal. His Excellency regretted that Mr Gandhi had decided upon a course of action that would lead to the

"Our case is strong, our means purest, and God is with us. There is no defeat for the satyagrahis till they give up the truth. I pray for the success of the battle which begins to-morrow"—in these words Mahatmaji concluded his last message on the banks of the Sabarmati on the eve of his historic march. With "victory or death" as his motto, Mahatma Gandhi started on his march to Dandi on the morning of the 12th March at 6-30 with a select band of satyagrahis. Large crowds assembled along the route and shouted 'Gandhiji-ki-jai'. Rumours of immediate arrest caused considerable stir in the city and people numbering about one thousand kept a sort of vigil the whole night outside the Asram, whose gates were guarded by women pickets. The morning saw a huge wave of humanity moving towards the Asram. Punctually at 6-30 a.m. after morning prayers, Mahatmaji started with a band of 70 trusted followers, each with a bag of belongings and a staff. With a gentle smile indicating his unwavering faith in the justice of the cause and in the success of the great campaign Mahatmaji headed the procession and was followed by others who closed in rows of three each. At several places Mahatmaji was offered flowers and cocoanuts. The processionists rushed through the route with a large crowd running round about and forded the river Sabarmati at Jalalpur.

The route through which Mahatmaji and his band passed assumed a festive appearance, with the street watered and beflagged. As the procession passed from one village to another, Gandhiji delivered addresses at all the halting places urging people to take to khaddar, to give up drink, and join the satyagrahis. "I have no intention of returning to the Asram until I succeed in getting the Salt Act repealed" said Gandhiji. This declaration stirred the people to their depths. As Gandhiji proceeded on his

march, volunteers in hundreds enrolled themselves on the way and many a village headman resigned his job to join the campaign

To the vast crowds that gathered from far and near to have a *darsan* of Gandhiji throughout the march (which lasted for four and twenty days) he preached his gospel of truth and non-violence, and on those who joined as satyagrahis he imposed the strictest discipline. As Gandhiji neared his destination, his conviction in the sacredness of the cause grew stronger and as an expression of his firm determination he declared in course of a speech "Either I shall return with what I want, or else my dead body will float on the ocean."

Gandhiji and party reached Dandi on April 5 and spent the night in fasting and prayers. The next morning shortly after prayers which were marked **Breach of Salt Laws** by more than usual solemnity, Mahatmaji with eighty-four volunteers proceeded exactly at 6 A.M. for a bath in the sea. A large crowd followed the party. Gandhiji, who was walking at a slow pace, entered the water amidst enthusiastic cries of "Mahatmaji Ki Jai." At 8-30 A.M. Mahatmaji broke the Salt Law by picking up a lump of natural salt from a pit. Thousands of people witnessed the ceremony. After this technical breach of the Salt Law he issued a statement intimating that every one who would take the risk of prosecution under the Salt Laws could manufacture salt wherever he wished and whenever it was convenient to him.

The breaking of the Salt Law by Gandhiji at Dandi was like a signal, and was followed by similar breaches in numerous places all over the country. Popular enthusiasm was intense. Contraband salt began to be prepared and sold by the villagers, en masse. There were striking

demonstrations of defiance of law in Calcutta, Bombay, and other cities. This led to the arrests and convictions of numerous congressmen, which gave a great impetus to the movement.

It was at this period that Mr V J Patel resigned the presidentship of the Assembly with a letter to the Viceroy stating the difficulties under which he was carrying on his duties and declaring that he would serve his country better by joining the movement. Mr Patel's resignation evoked great enthusiasm.

Gandhiji himself was conducting incessant propaganda. He travelled through the Guzerat villages and carried on his crusade against untouchability and the drink evil and preached the message of khadi and charka. He had even announced his intentions of raiding the salt works of the Government. It was at this stage that the Government thought of restricting Gandhiji's activities.

Mahatma Gandhi was arrested after midnight in his camp at Karadi on the 4th of May under Regulation XXV of 1827. He was taken to Yerawada jail. This did not produce the effect anticipated by the authorities. The prophet of Sabarmati was more powerful in jail than in his Asram.

The arrest of Gandhiji created widespread excitement and evoked protests from all parts of the world. Protest was recorded by the Indians in Panama, Sumatra, and South Africa. French, German and American papers devoted lengthy columns to Gandhiji and his activities. A cable was sent to Mr Ramsay MacDonald, Prime Minister of England, by 102 American clergymen headed by Dr J H Holmes urging him to come to an amicable settlement with Gandhiji and the Indian people and save a catastrophe to all mankind.

Gandhi's arrest produced spontaneous demonstrations throughout the country. Processions and *hartals* were held in every town and even in the remotest villages. In Bombay a huge procession paraded the streets and terminated at a mammoth meeting, which had to be addressed from several different platforms. About 50,000 mill-hands came out and made demonstrations. The demonstrations at Sholapur were followed by disturbances. Six police Chowkis were burned, and the police opened fire. Twenty-five persons were killed, and about 100 injured. As a sequel to this, Martial Law was promulgated in the city, entailing great hardships on the citizens for several weeks. In Calcutta the *hartal* was peaceful. But at Panchanantala (Howrah), where the crowd tried to hold up a train, they were fired upon by the police and as a result 15 persons were injured. There was also firing at Delhi on the refusal of a crowd to disperse. Section 144 was promulgated in many places as a sequel to these incidents.

Mr Abbas Tayabji, who succeeded Gandhi as leader of the salt satyagrahis, was also arrested. Mrs Naidu went to Dharsana and took up his place. She and her band of volunteers

Mass Salt Raids were placed under arrest but were taken out of the police cordon and let off. On May 21 a mass raid was made on the Dharsana salt depot. The 2500 volunteers from Guzerat who participated in the raid were led by the Imam Saheb (aged sixty-two), Gandhi's colleague in South Africa. As the raid began in the morning from different points, the police made a *lathi* charge. The volunteers, who were driven back several times, renewed their attempts. This continued for two hours after which Messrs Imam Shaheb, Pyarilal, Manilal Gandhi, and Mrs Sorojini Naidu were arrested. About 290 volunteers

were injured as a sequel to this raid and one succumbed to his injuries

Two other attempts (one being on June 3 from Utandi camp) were frustrated by the police who did not allow the volunteers to enter the barricaded area. Several raids one after another were also made on the Wadala salt depot with many arrests and police *lathi* charges resulting in injuries to volunteers.

Writing in his paper, *The New Freeman*, of the Dharsana salt raid, Mr Webb Miller said —“I have never witnessed such harrowing scenes as at Dharsana. Sometimes the scenes were so painful that I had to turn away momentarily. One surprising feature was the discipline of the volunteers. It seemed they were imbued with Gandhi's non-violence creed”

Mr George Slocombe of the *Daily Herald* writing of the Wadala salt raid said —“I watched the events from an observatory post on one of the rocky hills which ring in Wadala. It was humiliating for an Englishman to stand among the ardent, friendly but deeply moved crowd of volunteers and sympathisers and watch the representatives of his country's administration engaged in this ludicrous, embarrassing business”

As the movement assumed serious proportions, the Government got themselves armed with emergency powers to deal with the situation. The Rule by Ordinances Press Ordinance was the first to come. It imposed most humiliating restrictions on the freedom of the press. The Navajivan Press of Mahatma Gandhi was the first to be confiscated and securities were demanded from almost all prominent nationalist papers, many of which suspended publication.

The Press Ordinance was followed by several other

Ordinances including (1) the Bengal Ordinance empowering the police to arrest any person on suspicion, (2) Unlawful Instigation Ordinance and (3) the Picketing Ordinance, penalising Congress activities in the country. The Congress Working Committee and all the Provincial Committees were declared unlawful, and members thereof were arrested. As many as a dozen Ordinances were promulgated to check the movement.

Side by side with the attack on salt laws, the boycott of foreign cloth and picketting of liquor shops were continued. The law of sedition and prohibitory orders of various kinds were also broken. No-tax campaign was also started in many places and forest laws were attacked in Berar. The jails were filled, and new jails had to be improvised. Congress workers in every province, the rank and file as well as the leaders, courted imprisonment, faced *lathi* charges, and even rifle bullets. Almost all the prominent leaders were in jail.

In Bengal efforts were made to defy the salt laws mainly in the 24-Parganas and Midnapore districts. In the former district there were three main centres. At Mahishabathan, which is a short distance to the east of Calcutta, a regular camp of satyagrahis was established in the compound of the President of the local Congress Committee. The camp was patrolled and picketed, and the national flag was flown. At Kalikapur salt was manufactured by daily passengers from Calcutta. The third centre was at Nila near Hooghly Point. Excise and police officers confined themselves to confiscating the salt and destroying the utensils\*. It was at Nila that a clash occurred between the police and the satyagrahis in which the former opened

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\* Report of the Administration of Bengal 1929-30



fire resulting in one killed and three wounded. In Contai (Midnapore) the salt campaign was initiated at Pichaboni followed by mass manufacture in forty villages near Contai.

A feature of the situation in Midnapore was the open hostility encountered by the police and the Government officers. Shops were closed in Contai and Government officers and persons known to be supporters of the Government could not get supplies. Bus owners refused to take officers and their servants and luggage. On the occasion when a police party wanted a boat, six villagers jumped into it and sank it\*.

In July the Civil Disobedience Movement in Midnapore showed renewed activity in the form of a determined campaign for the non-payment of choukidari taxes. The opposition of the people of Tamruk subdivision to the payment of choukidari taxes was most stubborn\*.

As the movement became widespread in Bengal Congress Committees were declared unlawful and Congress offices locked up and papers seized. About twenty newspapers were required to furnish security under the Press Ordinance, and many newspapers had to suspend publication. Prabhat Pheris, processions, and meetings were banned almost everywhere and many people were externed from their homes or spheres of work.

Calcutta women took out their first procession on June 22 on the occasion of the *Sradh* ceremony of Desabandhu Das in defiance of the Police ban. This led to many arrests and convictions. Since then women have been joining the movement in larger numbers. Their

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\* Report of the Administration of Bengal, 1929-30

participation intensified the picketing of foreign cloth, foreign cigarettes and liquor shops. Numerous arrests of students and women were also made for picketing educational institutions. On an average, according to the Congress reports, 200 arrests were made every day in Bengal during the movement. The movement brought about a decrease of imports and a trade depression.

The movement in Bombay was very intense, people in Guzerat and Bombay city being in the forefront. People were imprisoned in thousands, and still men and women came forward and courted imprisonment. The boy-

**Movement in Bombay.** The boycott of foreign cloth was very intense, even multi-millionaire merchants joining in it. It is said that nearly 30 crores worth of foreign cloth were sealed up by the Congress. All Congress organisations were declared unlawful, and processions and Prabhat Pheris taken out in defiance of orders were dispersed with lathi charges. Rather than submit to the methods adopted by the Government for realizing rents, the peasants of Bardoli migrated across the border to the Baroda State. Many after having burnt down the crops they could not carry faced terrible hardships.

In the Punjab, Amritsar was the chief centre of the movement. People were arrested and convicted almost daily for picketing. Almost all foreign-cloth merchants sealed up their stocks.

**Movement in Punjab.** The movement was widespread in Behar. In connexion with the Jawahar Week celebration alone 514 arrests were made all over the province. The boycott of foreign-cloth was vigorous. A no-rent campaign grew up in

Monghyr, Champaran, Saran, and Mazaffarpur districts, and Panchayats were set up in many places. Picketing of liquor shops is stated to have caused a fall of about 40 lakhs in revenue.

In South India, almost all the Congress workers in Andhra were in jail. The official ban on Gandhi caps and national flags was strongly resented. Picketing was kept up in many places and was followed by arrests. Banned processions and meetings were dispersed as usual. The salt laws were defied in Kerala. Revenue from toddy-shop sales fell by about 70 per cent. Ladies joined the movement in large numbers. Section 144 (Criminal Procedure Code) was promulgated in almost all the districts of Tamil Nadu. There was complete stoppage of toddy sales in several places.

In U P picketing was resorted to on a wide scale by men and women volunteers with the result that the boycott of foreign cloth was intense all over the province and the sale of intoxicants was greatly reduced. The no-rent campaign was carried on vigorously in some areas. Almost all the Congress Committees, Youth Leagues, and allied associations were declared unlawful.

In C P (Marathi) and Berar, the picketing of foreign cloth and liquor shops reduced sales considerably. A large number of people were arrested and convicted for picketing and for forest satyagraha. Punitive police were quartered in about fifteen places. In C P (Hindi) also many people took part in banned demonstrations and courted arrest.

In Delhi, all the Congress bodies were declared

unlawful Many women were arrested in Delhi and after  
 Movement in Delhi conviction sent to the Lahore Female  
 Jail

In Assam picketing of foreign cloth and liquor shops  
 was set up on a wide scale Almost all the Congress  
 leaders and a large number of  
 Movement in Assam volunteers including ladies were sent  
 to jail

A large number of people courted arrest in North-  
 Western Frontier Province In Peshawar, 22 persons were  
 killed in the course of police firing  
 Movement in Frontier after a disturbance in which two  
 \ armoured cars were set fire to

Pandit Jawaharlal Nehru supplied to the press the  
 figures of convictions of Congress volunteers during the  
 civil disobedience campaign in which  
 Hundred thousand Bengal tops the list The informa-  
 in jail tion supplied to the All-India Con-  
 gress Committee office by the different provincial Congress  
 committees gives the following figures of convictions in  
 connection with the Civil Disobedience campaign —

Ajmere	150
Andhra	2878
Assam	1459
Behar	14251
Bengal	15000
Berar	1750
Bombay city	4700
C P Hindustani	2255
C P Marathi	907
Delhi	4500
Gujrat	3549

Karnatak .	1900
Kerala .	450
Maharashtra	4000
The Punjab	12000
Sind	724
Tamil Nadu	2991
U P	12651
Utkal	1009
	<hr/>
Total	87124
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Pandit Jawaharlal Nehru states —

"This list does not include the N W F Province as no complete statistics have been received about it. A communication received from the Frontier P. C. C. in November, 1930 gave the figure of convictions as 2,328. This figure must have gone up considerably by the time of the Delhi truce and we may put it at 4,000 at least. Thus the total number of convictions for the whole country comes up to 91,124. Burma is not included.

"An attempt has been made to collect correct statistics but in the very nature of things it is not possible for us to be accurate. Some of the figures are official figures and these invariably err on the moderate side as large numbers of our workers and volunteers were convicted under sections of the I P C or Cr P C which were not supposed to apply to civil disobedience. It was also difficult for the local Congress committees to keep exact records or to trace every conviction, especially in the rural areas. We may therefore safely presume that most of the figures given above are under-estimates. The total figures of convictions must have reached or exceeded one hundred thousand.

"From the information available it has been estimated that 12 000 Muslims went to prison as civil resisters "

When the movement was at its height, the Viceroy saw the Liberal leaders, Sir Tej Bahadur Sapru and Sir Chimanlal Setalvad. The Liberal Federation Council met soon after in Bombay and after considering the political situation urged the need for an early announcement of the date of the Round Table Conference. Lord Irwin in the course of a significant statement announced that steps were being taken to arrange for a Round Table Conference to discuss the Indian constitutional problem on or before the 20th of October. Appealing to all persons throughout India His Excellency said — "I recognize that at the present time there is a widespread desire throughout India to see real political advance and I have learnt to love India too well to relax any effort to assist in what I hold to be natural and true development of her political life"

Soon after this declaration there was a move to bring about a settlement. On the 14th of June, 1930 a meeting of the Indian members of the Assembly and the Council of State unanimously passed a resolution, Mr M. R. Jayakar presiding, authorising its chairman to take such steps, as he may think necessary, so as to bring about an amicable settlement of the present *impasse* in the political situation in India. Letters were then exchanged between the Viceroy on the one hand and Sir Tej Bahadur Sapru and Mr Jayakar on the other, the Viceroy permitting both to see Mahatma Gandhi, Pandit Motilal Nehru and Pandit Jawaharlal Nehru in jail with a view to persuading them to restore peace. (See Appendix) The negotiation was a long-drawn affair, for which Pandit Motilal, Pandit Jawaharlal and Dr Mahmud had to be taken to the

Yerravada jail to meet Gandhiji and others and confer with them, and with the peace ambassadors, but the move failed, as the Government demand for calling off the Civil Disobedience movement was not accepted by the Congress. The Congress leaders demanded the right to secede from the Empire, complete National Responsible Government including control of the defence forces, acceptance of Gandhiji's Eleven Points, and the admission of the principle of repudiation of India's liabilities in regard to British claims by reference to an independent tribunal. In addition, the calling off of the Civil Disobedience movement was to be contingent on the continuance of peaceful picketing of foreign cloth and liquor shops, on the recognition of the right of private manufacture of salt and the remission of all fines and penalties incurred by persons engaged in Civil Disobedience movement, if not convicted of crimes of violence.

The break-down of the conversations gave a fresh impetus to the Civil Disobedience movement as the belief in Congress circles was that the Government were eager for peace and sooner or later must come to terms with the Congress.

In spite of the failure of the pourparlers the Government proceeded with preparations for the Round Table Conference. Thus two stages were set—one in India the Congress carrying on a fierce fight and the other in London for discussions.

On the 12th of November, the First Round Table Conference met in St James Palace, London. The King Emperor presided over the first gathering. The scene of the first meeting of the conference was set in the Royal Gallery of the House of Lords and was one of stately

splendour in which the Sovereign was the central figure. The historic hall was packed to its utmost capacity, all available space outside the area reserved for the delegates themselves being crowded with notabilities.

A *hartal* was observed throughout India on this day as a protest against the Conference. A procession and a demonstration in front of the Secretariat were attempted in Bombay despite the Police Commissioner's ban and elaborate police precautions to enforce it. A large number of persons were injured as a result of *lathi* charges. The Bombay 'War Council' members were all arrested. A procession organised by the Bengal Civil Disobedience Council paraded the streets of Calcutta in defiance of the prohibitory order and held a meeting. About 45 arrests were made and several were injured as a result of *lathi* charges. The Calcutta Corporation meeting for the day was adjourned after adopting a resolution recording emphatic condemnation of the Round Table Conference having regard to the circumstances in which it was constituted and its entirely unrepresentative character. Madras, Karachi and other cities in India also voiced similar indignation.

The First Round Table Conference continued its deliberations for nine weeks. Though it did a lot of spade work, and discussed the fundamental issues relating to the framing of a constitution, it could not come to any definite conclusions. The reasons are not far to seek. The task was difficult enough. The policy adopted in combating the civil disobedience movement had embittered public feeling. The Congress delegates who could alone "deliver the goods" were not there. And Mahatma Gandhi who could speak in the name of the Congress and the dumb millions of India was still in jail. There were



no doubt some very prominent public men amongst the delegates. But, they represented more or less the views of their respective parties, classes or communities and could not speak in the name of the country as a whole. There were others who, though not wearing Government badges, supported wholly the Government point of view. Then again the position of the representatives of the three British political parties who dominated the show was peculiar in the extreme. The Labour Party with its high-sounding pledges was in office but not in power. It held office at the pleasure of the Liberals. The Conservatives were a formidable opposition. The result was that Labour did not apply its Socialistic principles to the solution of the important problems facing both India and England. Hence it was that the Labour Party, though full of good intentions, could not make its voice actively felt in the deliberations. Hence it was that Labour could not commit the British Government to any Indian constitution on the basis of full Dominion Status, though the Secretary of State Mr. Benn declared that the Dominion Status was in action in India and that it was implicit in the Declaration of August, 1917. The acid test of the Labour Party was whether they were prepared to give India the substance of freedom in the management of her own affairs. Was the Government prepared to concede to India the right to control her own defence and financial policy? Were the people, through their popular representatives, to have full control of the administration of the country? This was in substance the Congress demand. The Round Table Conference was called to deliberate upon these crucial points. But the constitution of the Conference was such that no agreement was possible. The Conference agreed upon provincial autonomy as recommended by the Simon Commission—with dyarchy at the centre dependent upon

a Federal Structure with numerous safeguards not in the interest of India and with the British Government continuing to hold control, through complicated administrative machinery, over defence, financial policy, the services, foreign relations, etc. This attitude and this plan could not satisfy the aspirations of the people. The leaders of the three British parties were non-committal in their speeches, while the Churchill group maintained that Britain must really govern India and could not withdraw her trusteeship without serious consequences.

The Indian delegates on the other hand found themselves in an awkward position. They were fully conscious of the fact that a constitution agreed to by them had not the ghost of a chance of being accepted in India, unless the Congress put the seal of its approval on it. They could not plead the case of India with as much strength and force as the Congress could, because they had no mandate from the people. They naturally found the Britishers adamant in their determination not to part with real power. Then the communal question gained an artificial importance. Negotiations for a communal settlement were taken up in India first among the Moslems and Hindus, then with the Congress and lastly with the Viceroy. But no progress was made, the insistence of the Moslems on Jinnah's Fourteen Points having failed to bring about any agreement. The scenes were repeated in London. The Premier stood aside in the efforts made by Indians themselves to make up communal differences. *Pourparlers* continued, but a settlement was nowhere to be glimpsed.

Then there were the depressed classes and the Europeans, who made common cause and urged for special representation, statutory safeguards, etc. The

Princes seemed to have shown a reasonable frame of mind by agreeing to join the Federal constitution but claimed weightage and refused to bring their subjects on a par with the rest of the Indian people. The Liberals gave an excellent account of themselves and put the Indian case as ably as they could in the absence of the Congress, but not being actual political fighters they could not proceed to the logical conclusion of formulating their demands on the basis of their speeches. There were different sub-committees which worked hard and submitted their reports, but no finality was reached anywhere, for everybody felt that it was merely a preliminary talk and that they would have to come back once again, with the Congress delegates if possible, in order to arrive at a final settlement.

The Premier with a view to creating a favourable atmosphere made what was called "a momentous" announcement on January 19, 1931 (the text of which is included in Chapter VI), but the issues were not clarified and the different "teams" departed after playing a hide-and-seek game and without placing all their cards on the table.

The First Round Table Conference thus ended without accomplishing anything practical.

## CHAPTER III

### TRUCE AND AFTER

The Liberals and Moderates based high hopes on the Premier's declaration, which was further strengthened by the King's message, in which His Majesty said — "I am persuaded that great as is the volume of patient thought and careful work still to be done, you have opened a new chapter in the history of India. I am sure you will one and all strive to secure the aid of your countrymen in carrying on the task in the same spirit that has marked your discussions and I hopefully look forward to an outcome which will restore peace and contentment throughout India." These declarations, however, hardly produced any impression in Congress circles. Congressmen were sceptical of the sincerity of the assurance given by British statesmen, and political situation in the country being to no small extent responsible for this mistrust. The Civil Disobedience Movement was then at its height. Police firing, lathi charges, rule by Ordinances, arrests, and convictions were the order of the day. The jails were taxed to their utmost capacity and special jails had to be provided for.

At the concluding session of the Round Table Conference Sir Tej Bahadur Sapru made a stirring appeal to the Prime Minister for a general amnesty in order to help in creating a peaceful atmosphere in the country. Mr MacDonald was non-committal, but declared "that if Sir Tej Bahadur Sapru's appeal to India, as well as

to us is responded to in India, and civil quiet is proclaimed, and assured, His Majesty's Government will certainly not be backward in responding to his plea"

The first gesture came from the Government of India, when on the 25th of January, 1931, Lord Irwin issued the following statement ordering release of all members of the Congress Working Committee who had been imprisoned for taking part in the Civil Disobedience movement —

"In order to provide an opportunity for the consideration of the statement made by the Prime Minister on January 19 (see Chapter VI), my Government in consultation with Local Governments have thought it right that members of the Working Committee of the All-India Congress shall enjoy the full liberty of discussion between themselves and with those who have acted as members of the Committee since January, 1930. In accordance with this decision and with this object and in order that there may be no legal bar to any meeting they may wish to hold, the notification declaring the Committee to be an unlawful association under the Criminal Law Amendment Act will be withdrawn by all the Local Governments and action will be taken for the release of Mr Gandhi and others who are now members of the Committee or who have acted as such since January, 1930.

"My Government will impose no conditions on these releases, because we feel that the best hope of restoration of peaceful conditions lies in discussions being conducted by those concerned under terms of unconditional liberty. Our action has been taken in pursuance of a sincere desire to assist the creation of such perceivable conditions as would enable the Government to implement the undertaking given by the Prime Minister that if civil quiet were proclaimed and assured, Government would not be backward in response.

"I am content to trust those who will be affected by our decision to act in the same spirit as inspires it and I am confident that they will recognise the importance of securing for these grave issues a calm and dispassionate examination."



**GANDHI VISITS CANTERBURY**  
Gandhi and Mira Bai paid a visit to Canterbury and here they are seen with Dr Hewlett Johnson, Dean of Canterbury, with whom they stayed. (Page 97)



In pursuance of the above statement, about thirty prominent Congress leaders of different provinces—all members of the Congress Working Committee—were released on January 26 and all notifications declaring Congress organisations as unlawful, were withdrawn. It was a memorable day—as it was on that day, only a year ago, India had taken the vow of *Independence*. There was, however, some delay in carrying out release in many places.

Immediately after their release, Gandhiji and other leaders hurried to Allahabad where Pandit Motilal was lying seriously ill. The leaders conferred for days together but could not view the Premier's Declaration as a sufficient guarantee for Congress participation in the next stage of the Round Table Conference.

Pandit Motilal passed away on the 6th of February, and there was national mourning all over the country at the loss of such a towering personality at so critical a stage in its history.

Some of the prominent delegates to the Round Table Conference wired to Gandhiji from abroad, requesting the Congress leaders to suspend judgment pending discussion with them on the results of the Conference and Mahatmajī acceded to their request. As soon as the delegates reached India, some of them hurried to Allahabad where the members of the Working Committee were meeting and discussing things in sorrow-laden hearts.

Sir Tej Bahadur Sapru, Mr M. R. Jayakar, the Nawab of Bhopal, and the Rt Hon'ble Mr Srinivasa Sastri met Gandhiji and made strenuous efforts to effect a settlement between the Congress and the Government. And as a result of the great pressure brought to bear on



the Congress circle by them, Mahatmaji wrote a letter to Lord Irwin asking for an interview with His Excellency to put before him the Congress view-point on the question of a settlement

On His Excellency acceding to the request of the Mahatma, the latter proceeded to Delhi and had prolonged conversations with him beginning from February 16 right upto March 4. The members of the Working Committee were summoned to Delhi and Gandhiji kept the Committee informed of the developments and results of his talks with the Viceroy. There were many tense and anxious moments when the conversations threatened to break down on the question of police excesses. At last on the 5th of March, 1931, an agreement was signed between Lord Irwin representing the British Government and Mahatma Gandhi representing the people of India under the terms of which the Government withdrew its repressive measures and the Congress called off Civil Disobedience. This marked the advent of peace after a hard struggle lasting for full twelve months.

Gandhi-Irwin Agreement. The terms of the Agreement were as follows —

(1) Consequent on the conversations that have taken place between His Excellency the Viceroy and Mr. Gandhi, it has been arranged that the Civil Disobedience movement will be discontinued and that, with the approval of His Majesty's Government, certain action be taken by the Government of India and the Local Governments

(2) As regards constitutional questions, the scope of future discussion is stated, with the assent of His Majesty's Government, to be with the object of considering further the scheme for the Constitutional Government of India discussed at the Round Table Conference. Of the scheme

there outlined, Federation is an essential part, so also are Indian responsibility and reservations or safeguards in the interests of India for such matters, as for instance, defence, external affairs, the position of minorities, the financial credit of India and the discharge of obligations

(3) In pursuance of the statement made by the Prime Minister in his announcement of January 19, 1931, steps will be taken for the participation of the representatives of the Congress in the further discussions that are to take place on the scheme of constitutional reform

(4) The settlement relates to the activities directly connected with the Civil Disobedience movement

(5) Civil Disobedience will be effectively discontinued and reciprocal action will be taken by the Government

**Civil Disobedience** The effective discontinuance of the Civil Disobedience movement means the effective discontinuance of all activities in furtherance thereof, by whatever methods pursued, and, in particular, the following —

- (a) the organized defiance of the provisions of any law ,
- (b) the movement for the non-payment of land revenue and other legal dues ,
- (c) the publication of news-sheets in support of the Civil Disobedience movement ,
- (d) attempts to influence civil and military servants or village officials against the Government or to persuade them to resign their posts , and
- (e) as regards the boycott of foreign goods, there are two issues involved, firstly, the character of the boycott and secondly, the methods employed in giving effect to it

The position of the Government is as follows.—They approve of the encouragement of Indian industries as a part of the economic and industrial movement designed to improve the material condition of India and they have no desire to discourage the methods of propaganda, persuasion or advertisement pursued with this object in view—that do not interfere with the freedom of action of individuals or are not prejudicial to the maintenance of law and order. But the boycott of non-Indian goods (except of cloth which has been applied to all foreign cloth) has been directed during the Civil Disobedience movement chiefly, if not exclusively, against British goods and, in regard to these, it has been admittedly employed in order to exert pressure for political ends

It is accepted that a boycott of this character and organised for this purpose will not be consistent with the participation of the representatives of the Congress in a frank and friendly discussion of constitutional questions between the representatives of British India, of the Indian States and of His Majesty's Government and political parties in England, which the settlement is intended to secure

It is, therefore, agreed that the discontinuance of the Civil Disobedience movement, connotes the definite discontinuance of the employment of the boycott of British commodities as a political weapon and that, in consequence, those who have given up, during a time of political excitement, the sale or purchase of British goods, must be left free without any form of restraint to change their attitude, if they so desire

(6) In regard to the methods employed in furtherance of the replacement of non-Indian goods or against the

consumption of intoxicating liquor and drugs, resort will not be had to methods coming within the category of picketing, except within the limits permitted by the ordinary law. Such picketing shall be unaggressive and it shall not involve coercion, intimidation, restraint, hostile demonstration, obstruction to the public or any offence under the ordinary law. If, and when any of these methods is employed in any place, the practice of picketing in that place will be suspended.

(7) Mr. Gandhi has drawn the attention of the Government to specific allegations against the conduct of the police and represented the desirability of a public inquiry into them. In the present circumstances, the Government see great difficulty in this course and feel that it must inevitably lead to charges and counter-charges and so militate against the re-establishment of peace. Having regard to these considerations, Mr. Gandhi has agreed not to press the matter.

(8) The action that the Government will take on the discontinuance of the Civil Disobedience movement is stated in the following paragraphs —

(9) Ordinances promulgated in connexion with the Civil Disobedience movement will be withdrawn. Ordinance No. 1 of 1931, relating to the Terrorist movement does not come within the scope of this provision.

(10) Notification declaring associations unlawful under the Criminal Law Amendment Act of 1908, will be withdrawn, provided that the notifications were made in connexion with the Civil Disobedience movement, and the notifications recently issued by the Burma Government under the Criminal Law Amendment Act do not come within the scope of this provision.

(11) (a) Pending prosecutions will be withdrawn, if they have been filed in connexion with the Civil Disobedience movement and relate to offences which do not involve violence other than technical violence or incitement to such violence

(b) The same principles will apply to the proceedings under the Security Provisions of the Criminal Procedure Code

(c) Where a Local Government has moved any High Court or has initiated proceedings under the Legal Practitioners' Act in regard to the conduct of legal practitioners in connexion with the Civil Disobedience movement, it will make application to the court concerned for permission to withdraw such proceedings, provided that the alleged conduct of the person concerned does not relate to violence or incitement to violence

(d) Prosecutions, if any, against soldiers and police involving disobedience of orders will not come within the scope of this provision

(12) (a) Those prisoners will be released who are undergoing imprisonment in connexion with the Civil Disobedience movement for offences which did not involve violence other than technical violence or incitement to such violence

(b) If any prisoner who comes within the scope of (a) above, has been also sentenced for a jail offence not involving violence other than technical violence or incitement to such violence, the latter sentence also will be remitted or, if a prosecution relating to an offence of this character is pending against such a prisoner, it will be withdrawn

(c) Soldiers and police convicted of offences involving

disobedience of orders in the very few cases that have occurred, will not come within the scope of the Amnesty

(13) Fines which have not been realized, will be remitted Where an order for the forfeiture of security

**Remission of fines** has been made under the Security Provisions of the Criminal Procedure Code and the security has not been realized, it will be similarly remitted Fines which have been realized and securities forfeited and realized under any law, will not be returned

(14) Additional police imposed in connexion with the Civil Disobedience movement at the expense of the inhabitants of the particular area, will be withdrawn at the discretion of Local Governments Local Government will not refund any money not in excess of the actual cost that has been realized, but they will remit any sum that has not been realized

(15) (a) Movable property which is not an illegal possession and which has been seized in connexion with the Civil Disobedience movement under the Ordinances or the provisions of the Criminal Law, will be returned, if it is still in the possession of the Government

(b) Movable property forfeited or attached in connexion with the realization of land revenue or other dues will be returned, unless the Collector of the district has reason to believe that the defaulter will contumaciously refuse to pay the dues recoverable from him within a reasonable period In deciding what is a reasonable period, special regard will be paid to cases in which the defaulters, while willing to pay genuinely, require time for the purpose and if necessary, the revenue will be suspended in accordance with the ordinary principles of land revenue administration

(c) Compensation will not be given for deterioration

(16) (a) Where movable property has been sold or otherwise finally disposed of by the Government, compensation will not be given and the sale proceeds will not be returned, except in so far as they are in excess of the legal dues for which the property may have been sold

(b) It will be open to any person to seek any legal remedy he may have on the ground that the attachment or seizure of property was not in accordance with the law

(17) (a) Immovable property of which possession has been taken under Ordinance IX of 1930, will be returned in accordance with the provisions of the Ordinance

(b) Land and other immovable property in the possession of the Government which has been forfeited or attached in connexion with the realization of land revenue or other dues will be returned, unless the Collector of the district has reason to believe that the defaulter will contumaciously refuse to pay the dues recoverable from him within a reasonable period. In deciding what is a reasonable period special regard will be paid to cases in which the defaulter, while willing to pay, genuinely requires time for the purpose and, if necessary, the revenues will be suspended in accordance with the ordinary principles of land revenue administration

(c) Where immovable property has been sold to third parties, the transaction must be regarded as final so far as the Government are concerned

*Note* —Mr Gandhi has represented to the Government that, according to his information and belief, some, at least, of these sales have been unlawful and unjust. The Government, on the information before them, cannot accept this contention

(d) It will be open to any person to seek any legal remedy he may have, on the ground that the seizure or attachment of property was not in accordance with the law

(18) The Government believe that there have been very few cases in which the realization of dues has not been made in accordance with the provisions of the law. In order to meet such cases, if any, the Local Governments will issue instructions to District Officers to have prompt inquiry made into any specific complaint of this nature and to give redress without delay, if illegality is established

(19) Where the posts rendered vacant by resignations have been permanently filled, the Government will not be able to re-instate the late incumbents

**Re-instatement  
of officials**

Other cases of resignation will be considered on their merits by the Local Governments, who will pursue a liberal policy in regard to the re-appointment of Government servants and village officials who apply for re-instatement

(20) The Government are unable to condone breaches of the existing law relating to the salt administration, nor are they able, in the present financial conditions of the country, to make substantial modifications in the Salt Act. For the sake, however, of giving relief to certain of the poorer classes, they are prepared to extend their administrative provisions on lines already prevailing in certain places, in order to permit local residents in villages, immediately adjoining the areas where salt can be collected or made, to collect or make salt for domestic consumption or sale within such villages, but not for sale to or trading with individuals living outside them

(21) In the event of the Congress failing to give full effect to obligations of this Settlement, the Government



will take such action as may, in consequence, become necessary for the protection of the public and individuals and the due observance of law and order

Implications of  
Truce Terms

Explaining the purport and purpose of the Gandhi-Irwin Settlement Mahatmaji said —

"For a settlement of this character, it is not possible nor wise to say which is the victorious party. If there is any victory, I should say it belongs to both. Congress has never made any bid for victory. In the very nature of things, Congress has a definite goal to reach and there can be no question of victory without reaching the goal. I would, therefore, urge all my countrymen and all my sisters, instead of feeling elated, if they find in the terms, any cause for elation, to humble themselves before God and ask Him to give them strength and wisdom to pursue the course that their mission demands for the time being—whether it is by way of patient negotiation, consultation and conference

"Such a settlement has necessarily to be provisional as the peace arrived at is conditional upon many other things happening. Many things had to happen before the Congress could participate in the deliberations of the Conference. A recital of these was absolutely necessary, but the goal of the Congress is not to get redress of the past wrongs, important though they are. Its goal is *Purna Swaraj* which, indifferently rendered in English, has been described as *Complete Independence*. It is India's birthright as it is of any nation worthy of the name and India cannot be satisfied with anything less and throughout the Settlement, one misses that enchanting word. The clause which carefully hides that word is capable and intentionally capable of double meaning. Federation may be a bridge or it may mean a vital organic stage in which two limbs might grow so as to strengthen the whole. Responsibility which is the second order may be a mere shadow or it may be a tall, majestic, unbordered and unbreakable oak. Safeguards in the interests of India may be purely illusory and so many ropes tying the country hand and foot and strangling her by the neck and then men, like so many fences, protect and tend the plant

requiring delicate care and attention. One party may give one meaning and another may give these girders the other meaning. It is open under that clause to either party to work along its own lines and the Congress, if it has shown readiness to take part in the deliberation of the Conference, it is because it seeks to make federation responsible and safeguards and reservations or whatever other name they may be known by, to work in such a way as would promote the real growth of the country along political, social, economic and moral lines. If the Congress succeeds in making this position acceptable to the Conference, then I claim that the fruit of that effort will be *complete independence*."

The news of the Truce was received throughout the country with a sigh of relief as ending a long-drawn

struggle in which the people had made enormous sacrifices. But in

After the Truce the extreme wing of the Congress, it did not at first arouse much enthusiasm. Some even went so far as to say that the Settlement was a virtual surrender and that Gandhiji had not been able to achieve as much as the country was entitled to in view of its sacrifices. This feeling was given vent to specially in places where the Government made unusual delay in releasing political prisoners on the plea that certain cases did not come under the Truce terms. The non-release of a large number of detenus in Bengal, the continuation of the long-drawn-out conspiracy cases in Bengal and the Punjab, the execution of Bhagat Singh, Rajguru and Sukdev, condemned prisoners in the Lahore Conspiracy Case, in spite of the universal prayers for mercy, lent support to the view that the Government were bent on carrying on repression and did not mean to fulfil the truce terms punctiliously. Meetings were held all over the country in which the implications of the Truce were explained to the people by the members of the Congress Working Committee and other leaders urging the people to give whole-hearted support to the Agreement and thus

strengthen the hands of Gandhiji, their great General. This propaganda had its desired effect and the faint whispers of opposition were ultimately drowned in a chorus of approval.

But the good effect thus produced in the country was considerably marred for the time being by the execution of the Lahore Conspiracy Case prisoners just on the eve of the Karachi Congress. Feeling ran high and the atmosphere was surcharged with excitement, and it was apprehended that the Left-Wingers would set up a fierce opposition at the Congress session and might even break up the Congress. It was, therefore, in an atmosphere of anxiety and uncertainty that the Congress met at Karachi. The *Nawajwanites* did not make a secret of their intentions and greeted Gandhiji and other leaders with anti-peace demonstrations on their way to Karachi.

The Truce terms were sharply criticised at a meeting of the *Nawajwanites* held at the Congress Nagar and it required all the tact and persuasion of S. J. M. Sen Gupta and other leaders to stem the tide of opposition.

The Congress, which met at Karachi on the 28th of March, 1931, turned over a new leaf. For the first time, it unequivocally identified itself with the masses. Sardar Vallabhai Patel, who presided, described himself as "farmer President" and set at rest all speculations on the cry that the Congress was a capitalistic organisation. This declaration was followed by the enunciation of the "Fundamental Rights" that would be enjoyed by every citizen under the Swaraj Government. These were embodied in the following Resolution.—

This Congress is of opinion that to enable the masses to realise what Swaraj as conceived by the Congress will mean to

them, it is desirable to state the position of the Congress in a manner easily understood by them

The Congress, therefore, declares that any constitution which may be agreed to on its behalf, shall provide or enable the Swaraj Government to provide for the following —

(1) Fundamental rights of the people such as (A) freedom of association, (B) freedom of speech and press, (C) freedom of conscience and free profession and practice of religions subject to public order and morality, (D) protection of culture, language and script of minorities, (E) equal rights and obligations of all citizens without any bar on account of sex, (F) no disability to attach to any person by reason of religion, caste or creed in regard to public employment, office or power or honour and exercise of any trade or calling, (G) equal rights of all citizens of access to and the use of public wells, public roads and all other places of public resort, (H) right to keep and bear arms in accordance with regulations and reservations made in that behalf, (I) no person shall be deprived of his liberty nor shall his dwelling or property be entered into, sequestered or confiscated save in accordance with law

(2) Religious neutrality on the part of the State

(3) Living wage for industrial workers, limited hours of labour, healthy conditions of work, protection against economic consequences of old age, sickness and unemployment

(4) Labour to be freed from serfdom or conditions bordering on serfdom

(5) Protection of women workers and specially adequate provisions for leave during maternity period

(6) Prohibition against employment of children of school going age in factories

(7) Right of labour to form Unions to protect their interests with suitable machinery for settlement of disputes by arbitration

(8) Substantial reduction of land revenue and agricultural rent paid by peasants in case of uneconomic holdings, exemption from rent for such period as may be necessary by reason of such reduction

(9) Imposition of progressive income tax on agricultural incomes above the fixed income

- (10) Graduated inheritance tax
- (11) Adult suffrage
- (12) Free primary education
- (13) Military expenditure to be reduced by, at least, one half of the present scale
- (14) Expenditure and salaries in civil departments to be largely reduced. No servant of State other than specially employed experts and the like to be paid above certain fixed figure which should not ordinarily exceed Rs 500 per month
- (15) Protection of indigenous cloth by the exclusion of foreign cloth and foreign yarn from the country
- (16) Total prohibition of intoxicating drinks and drugs
- (17) No duty on salt
- (18) Control over exchange and currency policy so as to help Indian industries and bring relief to the masses
- (19) Control by State of the key industries and mineral resources
- (20) Control of usury, direct or indirect

It shall be open to the All-India Congress Committee to revise, amend or add to the foregoing declaration so far as such revision, amendment or addition is not inconsistent with the Policy and Principle thereof

The Congress is of opinion that in order to end exploitation of the masses, political freedom must include real economic freedom of the starving millions. In order, therefore, that the masses may appreciate what Swaraj as conceived by the Congress will mean to them, it is desirable to state the position of the Congress in a manner easily understood by them. The Congress, therefore, declares that any constitution that may be agreed to on its behalf should include the above items or should give ability to the Swaraj Government to provide for them.

At the open session of the Congress Gandhiji made a most impressive appeal, requesting the delegates to give their concurrence to carry the Truce to its logical conclusion. His appeal created a deep impression and the opposition melted away. The Congress ratified the Truce terms and

authorised Gandhiji, as the sole representative of the nation, to participate in the Round Table Conference on behalf of the Congress and put forward the National Demand as embodied in the Lahore Resolution

On their return from Karachi, the Congress leaders set about implementing the Truce terms and carrying on the constructive programme of boycott of foreign cloth and liquor shops. In these efforts they were confronted with impediments from the officials and they soon realised that while in many provinces the Congress was strictly observing the Truce terms, the Government were guilty of breaches thereof. Instances soon accumulated, and complaints poured in from all quarters to Gandhiji who had to see the Viceroy and other officials more than once in this connexion.

Lord Willingdon who had succeeded Lord Irwin as the Viceroy gave his personal assurance that he would look into matters carefully and get the complaints properly inquired into. As the time for Gandhiji's departure for London approached, matters came to a head and Gandhiji informed the Viceroy that he could not join the Round Table Conference, unless an impartial Tribunal or a High Court Judge were appointed to inquire into the Congress complaints of violation of the Truce terms by the Government. Though the Viceroy kept an open mind, the provincial governments denied breach of Truce terms, and for a time, it looked as though the Agreement would finally break up and Gandhiji would not be able to leave for England. Several telegraphic communications were exchanged between Simla and Bombay (where Gandhiji was staying), and cables hummed between Simla and Whitehall, but no solution was found and Gandhiji along with Mrs Sarojini Naidu and Pandit Madan Mohan Malaviya

cancelled their passages to London, which had been provisionally booked for August 15

Mahatma Gandhi sent a letter to the Viceroy mentioning some specific instances in which the terms of the Delhi Pact were alleged to have been violated

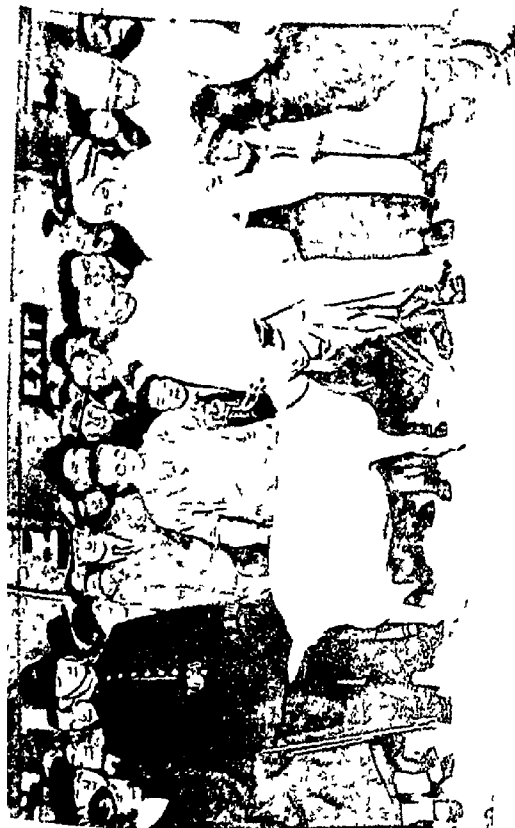
Charge-sheet against Government.

The first clause of Gandhi's charge-sheet against the Government dealt with the picketing of liquor shops. Gandhi said that in Madras picketing had been made futile, for, there the police insisted on volunteers standing at a distance of a hundred yards from the shops, thereby making the shops out of sight. He added that there had been prosecutions of peaceful pickets on faked charges, physical interference with picketing, assault on volunteers and seizure of their movables. There had been prosecution of peaceful pickets at liquor shops in Bombay, defeating peaceful picketing by permitting the sale of liquor in unlicensed places and hours. He declared that the Bombay Government had defended these acts, which added insult to injury. Assaults on pickets by liquor-sellers had been connived at in Bengal.

The second clause dealt with the pending prosecutions in Surat District. Private parties had voluntarily withdrawn the complaints. They had been egged on by the police to press the complaints.

The third clause referred to unreleased prisoners and leaders in different provinces. The Bombay Government, in reply to representations regarding H. D. Rajah and Ratanji Dayaram, said that these two were guilty of incitement to violence.

In the fourth clause, Gandhi dealt with the fines not realised before the Truce and said that in Bulsar, in



AT A DAIRY SHOW  
Mahatma Gandhi paid a visit to the Dairy Show at the Royal Agricultural Hall  
Islington, where he and Mira Bai are seen admiring some of the  
champion goats (Page 103)





Surat district, in five cases, people were asked to pay fines for having used land for non-agricultural purposes

The fifth clause complained of the punitive police at Chautalt in Hissar district, and at Naushahra and Panuam in Amritsar district, not being withdrawn. The Navjivan Press had not yet been returned. Guns and gun licences forfeited for participation in the campaign had not been returned in several cases.

The seventh clause stated that an Ashram in Bihar had been seized under Ordinance IX and had not yet been restored. Certain lands in Karnatak had not been restored, except on an undertaking that the parties would not take part in any future movement. Regarding the sold lands, certain purchasers intending to reconvey them to the original owners, have been dissuaded from doing so by the police authorities in Surat district.

The next clause complained that for posts rendered vacant in the Bombay Presidency during the campaign *Patels* and *Mukhis* who had been appointed for five years were being treated as permanently appointed. Several *talahs* in Jalalpur in Kaira, had not been re-instated. Justice had not been shown in the cases of two deputy collectors and two medical men who had resigned during the campaign.

Gandhiji next cited the cases of several others all over India who had not had justice. Under the heading "General Charges", he said that in Surat nineteen lakhs of rupees out of twenty, had been paid out of the current dues. Congress workers claimed that they were responsible for the payments. Gandhiji added that to demand arrears or current dues from those who pleaded inability, was a breach of faith with workers and people. Congress workers had offered to re-examine the cases suspected

by the authorities. They resented coercive processes, fines, and display of police who surrounded the people's houses.

In the United Provinces, Congress work as such was being attacked at various places and peaceful meetings had been dispersed. Gandhiji gave details of the number of alleged attacks in different places in U P and next referred to the doings of the zemindars, which, he alleged, had been occasioned by the connivance, if not at the instance, of Government officials, who did not seem disposed to take note of those excesses. In several cases villages had been surrounded by zemindars' men and the people threatened. In Rae-Bareilly district there were several hundred cases where the *amin*, supported by the police, had terrorised the *Kisans* and notices had been distributed among them, warning them that they would be liable to be prosecuted, if they associated with particular Congressmen. There were similar reports from the districts of Fyzabad, Kheri, Fatehpur and Badaun.

In Bengal and the Punjab workers doing peaceful and constructive work had been arrested.

In the N W F P there had been repression of the *Khudai-Khidmatgars*. In Malkand Agency, the *Khudai-Khidmatgars* had been harassed in all sorts of ways. In Daultpura Tehsil, the *zaildar*, assisted by the Frontier constabulary, collected all the volunteers who had not paid the revenue dues, shut them up in a room, and one of them who even uttered a word, was beaten. The same thing was reported in Jamto Bawara. In Shahqader two *Khudai-Khidmatgars* were seized by holders of jagirs from the Government and were ordered to give up Congress work. On their refusal they were beaten. In Kohat the president of the local Congress Committee, while on tour in Hangu with volunteers, was stopped

near Shinwari by the police and fired at. The shot missed him. While returning, the party was hooted and stoned and, finally, charged with *lathis*. Copies of the May issue of Abdul Gaffar Khan's magazine, which was devoted purely to the cause of social reform, had been held up by the postal authorities without any reason being given. Under section 144, all meetings and processions had been prohibited in the *illaga* of Khalil and Mohmand in Tahsil Peshawar, because the men had been civil resisters.

Gandhiji made grave charges of mal-treatment of women in villages in various districts of the United Provinces by agents of landlords in the course of collection of rents. He added that ostensibly the doings of the landlords were with the connivance, if not at the instance, of Government officials, who did not seem to take note of excesses. It was alleged that in one village no one was allowed to draw water from any well until a part payment was made. In another place, the tenants were made to stand in the burning sun. In the North West Frontier Province, a landlord, assisted by the Frontier constabulary, collected all the "red shirt" volunteers who did not pay the land revenue and shut up six of them in a room full of hornets and set off the hornets on them by means of smoke. When these volunteers were let out, their faces were fearfully swollen. They were asked to sell their wives to pay the revenue dues. In another Frontier village, the landlords caught hold of the "red shirts," who had been unable to pay land revenue and made them sit in the sun with their hands tied together behind their backs. Anyone uttering even a word was beaten with the butt-ends of rifles, as a result of which one old man collapsed. In yet another place when the "red shirts" refused to give up Congress work, two zamindars, who held gift-lands from Government, assaulted the volunteers in the presence

of the Political Officer One of them was made to lie in the hot sun and secured in that position by a tight string and humiliated in a certain manner, which the Pathans considered an insult only short of death

Dealing with the cancellation of his London visit and  
the breach of Truce terms Gandhiji  
The Real Issue wrote in *Young India* —

"Though apparently very little difference between the Government and the Congress led to the decision of the Working Committee not to send me to London, really the difference was fundamental

"In the very first days of the working of the Settlement, Mr Emerson raised a question He contended that the Congress could not act as an "intermediary" between the Government and the people whom it represented I joined issue on this point The legal point was never finally settled I had no desire to embarrass or humiliate the Government I was, therefore, content so long as in practice the Congress mediation was accepted The reader will see with what reluctance Mr Garret reconciled himself to this position But he never pardoned the Congress for presuming to represent the peasantry Had he had his way, it is likely that he would rather have collected what he could through coercion than receiving all but a few thousand of the current dues in Bardoli and Borsad through the Congress agency The reader will not fail to observe that notices threatening coercion were already issued They were not withdrawn before energetic protests were lodged by me on behalf of the Congress

"It could be shown from documentary proof that occasions were not wanting, as they are not wanting now, to warrant the Congress declaring the Truce to be at an end by reason of the Provincial Governments having failed to carry out its terms I make bold to say that exemplary patience has been shown by the Congress in not terminating the Truce The "charge-sheet" will give a glimpse of the breaches alleged by the Congress to have been made by the respective Provincial Governments Nor will give a glimpse of the breaches alleged by the Congress to need the reader think that the charge-sheet is an exhaustive catalogue of the breaches For instance, there are several hundred civil resistance prisoners who are still rotting in jail but who

according to the opinion of the Congress workers, are entitled to discharge. Strange as it may appear to the reader, these cases are still pending before the Provincial Governments and hence they do not appear on the charge-sheet presented at Simla. It contains cases about which adverse decisions have already been given by the Provincial Governments.

"In fairness to the Central Government, I must add that in some few cases mentioned in the charge-sheet relief has since been given and it is possible that it may be given in some more. But I know that there is little chance of getting relief in the vast majority of cases. Surely, it was never contemplated that in cases in which the Congress was not satisfied, there should not be an open enquiry.

"If the Settlement was a legalised document, the Government would be liable to be sued in the court of law. The fact, however, that it is not a legalised document, throws double responsibility upon the Government of appointing a tribunal in response to Congress demand where it can prove those breaches or where it can get an authoritative ruling on the interpretation of several clauses of the Settlement or of its implications. The refusal of the Government to concede the very natural implications of the Settlement, shows how far the authorities in India are from recognising the fact that power is passing to the people. Nor are they willing to acknowledge the fact that the Congress represents the people and that its voluntary co-operation should be thankfully accepted. In their opinion co-operation seems to mean acceptance of their orders and authority and not mutual trust and accommodation between parties to a contract. Everywhere the Provincial Governments are looking upon Congressmen with suspicion and in some cases, openly treating the Congress as an enemy.

"As I write, I have before me the Bombay Government organ, "The Guzerat Patrika." It contains a vilification of the Congress and Congressmen, reckless charges against them and in some instances even false allegations. If it is said in answer that the Congress has done no better and that it has also committed breaches of Settlement, it will be an unfair charge to make for the simple reason that wherever breaches have been brought to my notice, immediate satisfaction or explanation has been given. The Congress would welcome an impartial investigation any day of all the charges that can be laid at its door and Provincial Govern-

ments have not hesitated to take proceedings against Congressmen wherever they have thought it necessary.

"My counter charge is that in many cases prosecutions have been persecutions. As for instance, in the cases falling under section 124 (A) of the Indian Penal Code. This is the section dealing with disaffection. Now disaffection has been taken to mean absence of active affection or loyalty. Hence anyone who is neutral is guilty of disaffection. I must confess that every Congressman is even by reason of his creed guilty of sedition and he did not become less so by reason of the Settlement. The Settlement never contemplated that the Congress should alter its goal and its goal is to destroy the existing form of Government and to replace it by a wholly National Government. But I must not prolong this discussion of the Congress position.

"If the Congress was unworthy of confidence or if its demand was distasteful or unacceptable to the British Government, the Settlement should not have been entered into. Further, if the Congress by any action on its part proved itself unworthy of confidence, the Settlement should have been repudiated. Either of these two courses would have been honest. But to have commenced with distrust, hardly when the ink had dried on the paper on which the Settlement was written, was and still is difficult for me to understand. In spite, however, of my belief that the Provincial Governments had committed serious breaches of the Settlement, I was prepared, so far as my departure for London was concerned, to be satisfied merely with securing relief in the matter of the Bardoli collections under coercion and there, too, my submission was either to grant a refund of the collections so made or to have an impartial and open inquiry so as to enable me to show that payments were in the vast majority of cases forced from the people, although they were unable to pay and therefore, under the Settlement entitled to a refund. The matter would certainly not have ended there because the Working Committee would have been bound to press for redress in all the other cases. This evidently was too much for the Government and therefore they decided to break on Bardoli.

"The inference I have drawn from the conduct of the Provincial Governments is that the members of the Civil Service - the real running of the provinces - their hands were really so bound that I should proceed to London. Had their desired collection, it was open to them, as it was open to them even now,

to make the way clear for me by treating the Congress as worthy of their trust and respect and, therefore, giving it satisfaction through an impartial enquiry where their decisions could not be accepted by the Congress

"It has been said that in concentrating upon a matter of detail, I have missed the opportunity of helping decisions on matters of higher interest. I do not look at the two things separately. The Government of India is but a part of the whole Imperial scheme. It reflects the position at the centre which is, therefore, very much like the Government of India and if the latter is not ready to recognise the right of India to govern herself unfettered by any control from outside, the centre is not likely to think or do otherwise and the closest association with the Government of India during the past four months, has left on me the impression that the Civil Service is not ready to recognise the right of India to full freedom

"I have got too great regard for their ability, powers of organisation and their influence on the British public opinion to think that without their whole-hearted co-operation and blessing, an humble person like me, could possibly get nothing from London. Therefore, till the members of that Service are converted, there is no scope for the Congress to enter upon negotiations for full freedom. It must go through further suffering, however costly the process may be."

Then followed kaleidoscopic changes in the situation. Lord Willingdon, who was in Calcutta for a three days' visit, suddenly left for Simla and Gandhi-Willingdon Agreement Gandhi also proceeded to the summer capital along with Sardar Vallabhai Patel and Pandit Jawaharlal Nehru. They held prolonged conversations with the Viceroy and all misunderstandings were cleared, and a fresh agreement was entered into, the Viceroy agreeing to appoint Mr. Gordon to enquire into the Bardoli complaints regarding land revenue collection.

Following are the terms of the Gandhi-Willingdon Agreement —

As a result of the conversations between His



Excellency the Viceroy and Mr Gandhi, the Congress will now be represented by Mr Gandhi at the Round Table Conference

The Settlement of March 5, 1931, remains operative. The Government of India and the local Governments will secure the observance of the specific provisions of the Settlement in those cases, if any, in which a breach is established and will give their careful consideration to any representation that may be made in this respect. The Congress will fulfill their obligations under the Settlement.

In regard to the collections of land revenue in Surat district, the point at issue is whether in those villages of Bardoli Taluka and Valod Mahal which were visited by revenue officials, accompanied by a party of police, during the month of July, 1931, more severe demands, having regard to their material circumstances, were made from the revenue-payers and enforced by coercion exercised through the police than were made from and met by the revenue-payers of other villages of Bardoli taluka. The Government of India, in consultation and full agreement with the Government of Bombay, have decided that an enquiry shall be held into this issue in accordance with the following terms of reference. To enquire into the allegations that *khatedars* in the villages in question were compelled by means of coercion exercised through the police to pay revenue in excess of what would have been demanded if the standard had been applied which was adopted in other villages of the Bardoli Taluka where collections were effected after March 5, 1931, without the assistance of the police and to ascertain what sum, if any, was so paid. Within the terms of reference evidence may be produced on any matter in dispute. The Government

of Bombay have appointed Mr R G Gordon, I C S ,  
'Collector of Nasik, to hold the enquiry

In regard to other matters hitherto raised by the Congress, the Government of India and the local Governments concerned are not prepared to order any enquiry

In regard to any further matters of complaint by the Congress not coming within the specific provisions of the Settlement, such complaints will be dealt with in accordance with the ordinary administrative procedure and practice and if any question of an enquiry arises, the decisions as to whether an enquiry shall be held and, if so, the form it shall take, will be made by the local Government concerned in accordance with such procedure and practice

There are two enclosures which are the correspondence that passed between Mr Gandhi and Mr Emerson

( A )

Simla, August, 27, 1931

Dear Mr Emerson,

I have to acknowledge with thanks your letter of even date enclosing the new draft Sir Cowasji has kindly also communicated to me the amendments suggested by you My colleagues and I have very carefully considered the amended draft which we are prepared to accept subject to the following remarks In paragraph 4, it is not possible for me, on behalf of the Congress to subscribe to the position taken up by the Government, for we feel that where, in the opinion of the Congress, a grievance arising out of the working of the Settlement is not redressed, an enquiry is a necessity because of the fact that Civil Disobedience remains under suspension during the pendency

of the Delhi Pact. But if the Government of India and the Local Governments are not prepared to grant an enquiry, my colleagues and I have no objection to the clause remaining. The result will be that, whilst the Congress will not press for an enquiry in regard "to the other matters hitherto raised" on its behalf, if unfortunately any grievance is so acutely felt that it becomes a paramount duty of the Congress to seek some method of relief in the absence of an enquiry in the shape of defensive direct action, the Congress should be held free to adopt such remedy notwithstanding the suspension of Civil Disobedience. I need hardly assure the Government that it would be the constant endeavour of the Congress to avoid direct action and to gain relief by discussion, persuasion and the like. The statement of the Congress position given here has become necessary in order to avoid any possible misunderstanding in the future or charge of breach of faith on the part of the Congress. In the event of a successful issue of the present discussions, I assume that the *communiqué*, this letter and your reply would be simultaneously published.

Yours sincerely

M. K. Gandhi.

( B )

The Government of India,

Home Department

Simla, the 27th August, 1931.

Dear Mr. Gandhi,

I write to thank you for your letter of to-day's date in which you accept the draft *communiqué* subject to the observations contained in your letter. The Governor-

General-in-Council has noted that it is not the intention of the Congress to press for any enquiry into those matters hitherto raised by them, but that, while you give an assurance that it will be the constant endeavour of the Congress to avoid direct action and to gain relief by discussion, persuasion and the like, you wish to make clear the position of the Congress in regard to any future action that they may decide to take I am to say that the Governor-General-in-Council shares your hope that no resort to direct action will be taken In regard to the general position of the Government, I am to refer you to the letter of His Excellency the Viceroy dated the 19th August, to your address I am to say that the *communiqué*, your letter of to-day's date and this reply will be published simultaneously by the Government

Yours sincerely,

H W Emerson

This eleventh hour hitch in the terms of the new agreement with Lord Willington delayed Gandhi's departure for Bombay

The last train that could catch the mail boat in Bombay had left and a special train had to be arranged to enable Gandhi to reach Bombay in time to catch the *Rajputana* on August 29

The train from Delhi to Bombay was practically besieged by huge crowds who gathered at all hours of the night to bid God-speed to Gandhi on

On the eve of Departure	the eve of his departure for London Owing to the enormity of the crowd
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at Bombay, Gandhi had to detrain at a wayside station and motor down direct to Azad Maidan where he had to address a mammoth gathering from a special

stadium furnished with loud speakers on a building facing the mardan In course of his speech, Gandhiji said —

“Crores of people in India do not get enough food to eat The Congress is trying to better their lot and to help the hapless people

“I know fully well my weakness and I repeat I am not blind to my shortcomings I am going to London as the delegate of Truth and Non-violence and I am confident in the hope that Truth and Non-violence will ultimately triumph in all fullness of their glory

“Looking to the country where I am going and its environments and the enormous responsibilities imposed on me, I know I should not have accepted the invitation to go But your implicit faith in me is like the Mighty Himalayas and it will shelter me from all blasts That is my belief

“I have great faith in God and I believe that in His sacred hand are all these developments Anyone who has faith in God can be sure of his success One who is weak and unprotected and goes empty-handed will, I am certain, be protected by God Success lies in weakness and humility Non-violence is a mighty power and that is the only power that will work effectively against tremendous odds there

“I am going there with that trust but if I return perchance, empty-handed, you should not be disappointed If I return as we hope after achieving success, you should not become proud and haughty Success and failure lie in the hands of God That is certain I have got to abide by the Congress mandate and it is upto you to see that I fulfil it I promise that I will not disappoint you in your trust in me If I do not keep faith with you and do not act in obedience to your mandate, you will not only drive

me out of the Congress but may very rightly take more drastic steps. Even if you were to kill me for it, I will only consider it an act of non-violence and not violence. But I do not wish to break faith with you or to deceive you in any way. How can I deceive the hapless and crippled people of India?

"I have no enmity towards Englishmen, Muslims, Christians or Sikhs. I am bound to do everything possible for all of them but even a Sikh or a Muslim may say that I am not his representative but the Congress has given me mandate. I am bound to protect the rights of all, for the Congress stands for all communities and peoples of India.

"I have explained to you my *Dharma* and I wish you always to obey the Congress mandate. Now I ask for your blessing for the success of my endeavours and I am sure your good wishes, coupled with the blessings of God, will carry us to success. May God bless us."

Long before the scheduled time for the departure of the mail steamer, crowds began pouring in with flags and banners into the Mole Station as

**The Departure** also endless streams of cars making traffic impossible. Gandhiji motored to the Mole Station just before 12-30 p.m., his arrival being heralded by enthusiastic cheers from the vast crowd. In spite of all restrictions regarding admission, huge crowds went aboard the steamer while buildings opposite the station were packed to overflowing with people desperately anxious to catch the last glimpse of their chosen representative on the most momentous errand. Incessant shouts of "Gandhiji-Ki-Jai" rent the air. Congress volunteers who were present in large numbers carrying national flags were piercing the air with bugle shrills. Outside the station proper, kesar-clad *scikas* formed a guard of

honour with flags in hand Gandhi acknowledged the good wishes of the crowd with a broad smile and folded hands

As Gandhi strode up the gangway into the steamer, with a huge array of garlands round his neck, in full view of the public, most vociferous shouts and cheers rent the air. On setting foot on the steamer, Gandhi was again garlanded. As he strode along the whole length of the deck to his berth in the lower deck, the elite of Bombay marched apace with him. Then Gandhi went to the upper deck where short conversations took place between himself, the Chief Justice of the Bombay High Court, Sir Purushottamdas, and other prominent citizens. Gandhi moved up and down the deck, responding to the good wishes of the crowd for a safe and successful voyage, in company with Pandit Jawaharlal, Sardar Vallabhai Patel, Seth Jammalal Bajaj, S. J. M. Sen-Gupta, Srimati Sarojini Devi and others.

As the siren sounded the hour of starting, Gandhi, Malaviyaji, Sarojini Naidu, Mira Ben, Mr. Mahadev Desai, S. J. Devidas Gandhi and Sir Prabhasankar Pattani were seen standing in a row holding the railings, the steamer moving on. They kept moving their hands at the admiring crowds on the shore in acknowledgment of the enthusiastic send-off given. The vast crowd, unprecedented within recent memory, remained standing at their places with their eyes steadfastly following the slow movement of the steamer, which at last receded from view, carrying the most "precious load" who holds in his hands the destiny of both India and Great Britain and for the matter of that, of the whole world.

Just before sailing, Gandhi gave the following parting message —

"Though I see nothing on the horizon to warrant a

hope, being a born optimist, I am hoping against hope

My faith is in God and He seems to  
**Parting Message** have made my way clear for me to  
go to London Therefore, I expect He will use me as  
His instrument for the service of humanity, for to me  
the service of India is identical with the service of  
humanity Though the Congress may be repudiated by a  
section of people in India, it aims at representing the  
whole of India and, therefore, deserves the trust that  
has been reposed in me and imposed upon me I shall  
endeavour to represent every interest that does not conflict  
with the interests of the dumb millions for whom the  
Congress predominantly exists I hope that the Provincial  
Governments, the Civil Service and the English mercantile  
houses will help the Congress to realise the mission it has  
set before itself "



## CHAPTER IV.

### GANDHI IN ENGLAND

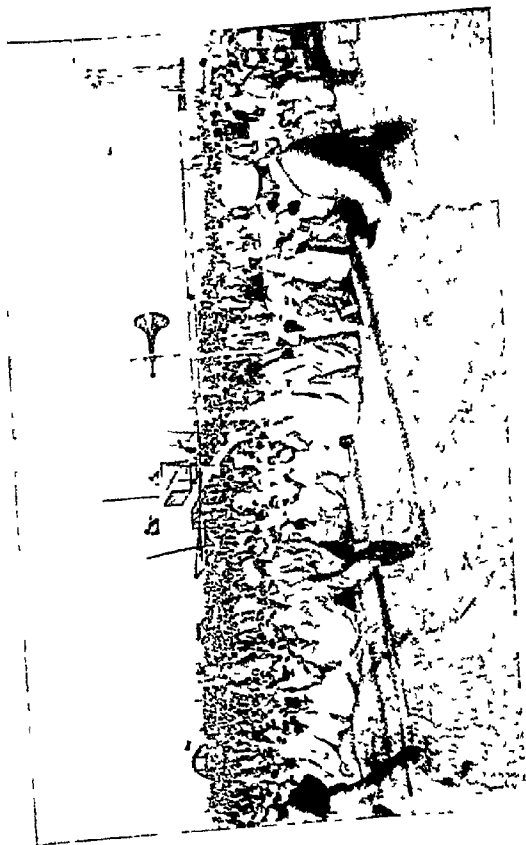
It was a momentous voyage—that of Gandhi from Bombay to Marseilles. No passenger was ever the centre of so great attraction. To perhaps none were such attention and courtesy ever shown by the P & O Company.

From the moment Mahatma Gandhi boarded the *Rajputana*, the gaze of the whole world was upon him.

On Board the  
"Rajputana."

He was besieged with messages of good-will, wishing him success in his momentous mission, from all parts of the globe. As the vessel steamed off from Bombay harbour, the wireless began to hum and to transmit accounts of Mahatma's sayings and doings on board. He travelled by the lowest class and refused all requests to move into a first-class cabin. The luggage carried by the party simply exasperated Gandhi. He said that as representatives of the poorest country in the world he and his companions had no right to go about with costly suit cases. And at Aden no less than seven suit cases and cabin trunks had to be sent back to Bombay.

The crew gaped in wonder at the strange half-clothed figure, who was quite obviously the most important personage on the ship. Cameras were busy clicking and snap-shooting "the Naked Fakir". Autograph-hunters were busy collecting his signature. The officers of the ship were most attentive and courteous. The Captain invited him to the bridge and Mahatma Gandhi acknowledged the courtesy by remarking that so long as he was



KARACHI CONGRESS  
A view of the Karachi Congress, the special feature of the Congress was that it was held in open air, a novel departure from its previous settings (Page 60)



on board he would be the Captain's prisoner. He was perhaps the best sailor on the *Rajputana*. Even on board the ship he kept to his usual routine—replying to letters, writing for *Young India*, conducting prayers, and plying the spinning wheel—each at the usual hour. The children found in him their best friend. They played and cut jokes with him with the greatest delight and never failed to join the chorus, while smiling happy parents watched them. "It was a most musical voyage. Overhead spluttered and hummed the wireless, on the bare deck under the canopy of heaven squatted the bare-bodied Mahatma, the spinning wheel whurring and singing in his skilful hand, yielding yard after yard of fine yarn. Down below in the engine room were the smooth running turbines, and under the keel the powerful screws churning the water and driving the ship on its course, the heart of the ship throbbing with life-like pulsation."

At Aden, the first port of call, Gandhiji was presented with an address of welcome by the Indians and the Arabs and with a purse of 328 guineas. At first the Resident objected to their having the National flag. But Gandhiji insisted he would not receive the address without the flag. The Resident fortunately changed his mind and saved a delicate situation by allowing the flag on the spot where the function took place. In reply Gandhiji gave the message of the Congress, of truth, non-violence, of Hindu-Moslem unity and the spinning wheel.

As the ship neared Suez, messages began to pour in from Indians and Egyptians, including those in which Madame Zagloul Pasha and Nahas Pasha, President of the Wafd Party, wished success to Gandhiji's mission.

Meeting with  
Egyptians

Mahatma Gandhi had made special preparations to meet the Egyptians. It was his day of silence, but he had advanced the period by one hour so as to be free to converse with his visitors. It was found, however, that very few persons were permitted to come on board to meet the saint of India, and they were strictly forbidden to take any photographs. The reasons were obvious. Perhaps the Egyptian authorities felt uneasy at the prospect of the great protagonist of national independence in India infecting Egyptian leaders with his peculiar theory of non-violent Satyagraha.

As the *Royalist* cast anchor at Marseilles the day to welcome Gandhi was Mademoiselle Madeleine Roland,

Landing on French  
Shore

sister of Romain Rolland, the great  
savant of Europe, who could not  
come owing to illness. Then there

was Mr. Andrews with his usual smile, together with some French students, who greeted Gandhi as the "Spiritual Ambassador of India". Gandhi was simply besieged by journalists and interviewers. The railway journey across France was something like a triumphal march. At Paris Gandhi was enthusiastically cheered by a crowd of Indians and Parisians waiting on the platform, and the guard agreed to detain the train for a few minutes while Mahatma Gandhi briefly addressed the newspaper men anxious to interview him.

Gandhi and party arrived in London at 4 p.m. on September 12. He was met at Folkstone by Mr. F. M.

Reception in  
London.

Vincent on behalf of the Secretary  
of State for India and Sir Tej  
Bahadur Sapru, among many others.

Immediately on his arrival in London, Gandhi was taken straight to the Friends' Meeting Hall where a public

reception was held in his honour. Crowding on the pavements and huddling together in the street, the edges of which were held by a strong police cordon, eager and enthusiastic crowds stood round the Friends' Meeting House in Euston, anxious to welcome Gandhiji. London scarcely saw such a sight—men and women standing in pouring rain and waiting for hours without a murmur.

It was a true mass demonstration, and suppressed feelings found uncontrolled vent as Gandhiji appeared and was greeted with a thunderous applause. Along with Gandhiji came Pandit Malaviya and Mrs Sarojini Naidu. Members of the Reception Committee, headed by Mr Laurence Housman, received them at the entrance and Gandhiji, Pandit Malaviya, and Mrs Sarojini Naidu were garlanded and conducted to the platform. The crowds, both inside and out, burst into cheers, as with bent head and a thoughtful expression on his face Gandhiji went up to the platform. Applause and eager murmurs soon quieted down, and a hush fell upon the audience, and it became possible even to hear the vesper chimes of the church near by.

Mr Housman's welcome was brief. It was simple thanks to Gandhiji for having come over to England. To this was added a cordial and heartfelt assurance of the unconditional good-will of all friends for the cause he represented.

As Gandhiji began his reply, there was another terrific burst of applause, lasting for a few minutes. Gandhiji's first words were words of apology, explaining his physical frailty. "Forgive me," he said, "for my inability to speak to you standing." Proceeding Gandhiji said—"You have given me a most flattering and most embarrassing welcome. Let me convey to you what the Congress, of

which I have come here as a representative, stands for. The Congress wants unadulterated freedom for the dumb and semi-starved millions of India "

Gandhiji next delivered another home-thrust when in a semi-humorous reference to the financial position in England he said — "I wish it were possible for Englishmen and Englishwomen to realise that their budget will not honestly be balanced, unless the budget between England and India is balanced "

Gandhiji concluded by saying — "I believe in peace, not in a peace which demands sacrifice of honour, but in a peace which will vindicate honour "

Broadcasting for half an hour to America from Kingsley Hall on September 13, Mahatma Gandhi said Message to America. that hitherto the nations had in fact like brutes, but the Indians felt that the law governing the brute creation was not the law that should guide the human race He would personally wait, if necessary, for ages, rather than seek to attain freedom of India by bloody means. The world was sick to death of blood-spilling, and he flattered himself that perhaps it would be the privilege of India to show to the world a way out. He invited all great nations of the earth to heartily co-operate with India in her mighty struggle.

Mahatma Gandhi expressed deep humiliation that the Hindus and the Muslims were firing at each other's throats and that the Hindus regarded millions of their own kin as untouchables. He emphasised that in the struggle for self-purification the Indians had assigned the foremost place to removing untouchability, attaining national unity, and abolishing the curse of drink. Mahatma Gandhi regretted that in his fight against drink and drugs they had not received the co-operation of the rulers. He

appealed to the conscience of the world on behalf of the starving millions of India

Mahatma Gandhi delivered a speech embodying his message to the world at a meeting organised by the Franciscan Study Circle at the Guild House, Victoria, on September 23

**Message to the World**

The subject was "Voluntary Poverty" Miss Maude Royden, who presided, introduced Gandhiji as the greatest living prophet on voluntary poverty. Gandhiji received a great ovation from a very large audience. He explained that he adopted voluntary poverty when he decided to enter politics, for he wanted to remain untouched by immoralities and untruth in ordinary politics. His politics had a spiritual basis and he regarded his speech that evening as much a part of his mission as the work at the Round Table Conference. The justification for voluntary poverty, was that wealth for all was impossible. All could share non-possession, and the less one possessed the less one desired. Gandhiji said that he did not preach voluntary poverty to the people who suffered involuntary poverty. But the grave national economic problem could be more easily solved if those who had wealth were willing to adopt voluntary poverty. He prayed at his usual hour, his personal staff chanting. The audience then sang.

A packed meeting of Labour members of the British Parliament heard with rapt attention Mahatmajī expounding the Congress case on September 16. The meeting was held in the Committee Room of the House of Commons. As usual, after the lecture Gandhiji answered questions asked by the audience. Questions were put by various members, and they mostly referred

**Address to Labour M P's**



to the ethics and effects of boycott Gandhi made effective answers to them all. In his address Mahatmaji repeated that the Congress stood for completest independence, and he said no compromise would be admitted regarding India's rights. He described the British forces in India as an army of occupation and said that such an army was incompatible with any conception of national freedom.

He then referred to the boycott of British cloth. He defended it on the ground that 85 per cent of India's huge rural population were idle for over six months in the year. They needed handicrafts to keep them from starvation. Gandhi was hopeful of being able to arrive at a settlement, but it behoved the statesmen of Britain to remember that here can be no compromise on principles. India would not be deterred from pursuing her ideal. If another struggle was necessary, India was willing. If more sufferings were needed, India would not hold back. She was ready to undergo any sacrifice for the attainment of freedom.

Gandhi's address to All Parties was held in the House of Commons in the largest Committee Room. The attendance included Messrs. Clynes, Tom Shaw, Sir Martin Conway, Dr Drummond Shiels, the Marquess of Titchfield, Minister Pybus, and Miss Rathbone. Mahatma Gandhi was applauded when he arrived accompanied by Pandit Malaviya, Mrs. Sarojini Naidu, Mr. G. D. Birla and Miss Mirabai. Mr. Marley presided.

Addressing the audience as "Friends", Mahatma Gandhi said he proposed to state the Indian case as represented by the Congress and pointed out that the aim of "Complete Independence" did not mean isolation and did

not exclude partnership on equal terms. He emphasised that the Indians had no fear of invasion and extinction if they controlled their own defence though that did not imply withdrawal of every British officer and soldier if they agreed to serve in India under Indian officials.

Having dwelt on the need of reducing the cost of administration, Mahatma Gandhi said they would respect all contracts of the Government of India with the civil servants, but, no matter how able and industrious, those were of no use if they were too expensive, and it was impossible to conduct India's affairs on the present salaries. Gandhiji contrasted in this connection the condition of the peasantry, millions of whom were living in a state of semi-starvation.

He then proceeded to deal with the position of Europeans and said that they need not ask for guarantees if they came to India as friends. Gandhiji mainly dealt with the question of safeguards, because, as he had pointed out, conversations with his English friends had shown him that they were neither interested nor actively opposed to the expression "Complete Independence", but that the English people seemed to be more anxious to understand the implications of safeguards during the transition period.

Referring to the safeguards formulated at the first Round Table Conference Gandhiji said — "I have no hesitation in saying on behalf of the Congress that those safeguards could not be accepted because they mean farming out 80 per cent of the revenue and that only 20 per cent would be left for education, hygiene, hospitals, roads and other constructive works, which should have been undertaken probably more than a generation ago."

Raising his voice a little higher, Gandhiji said — "I would not touch that sort of independence. I would

rather remain in compulsory subjection and declare myself a rebel than take charge of a Government which is bound to declare itself bankrupt, say, five or ten years hence. Nor would you be able to find any self-respecting Indian willing to undertake that task."

"I would rather fight with my blood", continued Gandhi, "as a civil resister and I would like that you rather jailed me or rained *lathi* blows upon me than that I should co-operate with you as a slave, which in my humble opinion, those safeguards about defence, finance and external affairs would ultimately mean."

Gandhi then referred to the European demand for special protection as a minority community since they have been rulers of the country for these years. He said—"I would gladly welcome you as comrades, as citizens, as partners, sharing one another's burdens and sorrows. If European merchants and officials come to India, what other protection they would want than that of friendship? No protection will save British trade if that trade is inimical to Indian interests. Given the condition that British trade will not harm India, you can rest assured that your trade will be as much protected as the Indian trade. In fact, real partnership meant favoured treatment of England, and if India needed say typewriters or watches, I would prefer them from you, if India lived in terms of perfect friendliness with Britain."

Gandhi paid a brief visit to Lancashire on September 25. Mahatma and his party, which comprised Mr C F Andrews, Miss Mira Ben, Mr Mahadev Desai, and Mr Pyarilal, travelled in the third class compartment where devotion was observed as soon as dusk fell. Afterwards Mahatma Gandhi slept soundly and

interested throngs gave him friendly receptions at a few stopping places as the train neared Manchester though they obtained only the merest glimpse of recumbent Gandhiji from behind the drawn blinds. When the train passed through Cottonopolis itself, Mahatma appeared at the window of the carriage and acknowledged the greetings of a knot of people on the platform and smilingly consented to remain while a flashlight photo was taken.

Mr Hughes, Director of the Town Committee of the Cotton Trade Organisation, joined the train midway and accompanied Mahatma Gandhi over the rest of the journey.

Mahatma Gandhi early next morning had a walk in the Spring Vale Garden, a suburb of Darwen, during which period he met a number of operatives. Gandhiji subsequently received four weavers from the mill in the immediate vicinity. They explained to him that their problem was to retain a decent standard of living and a high quality of workmanship in the face of a very keen competition from the East, and the Indian boycott had come as the last straw.

Gandhiji explained that the Congress attitude was not directed against Britain since the Delhi Agreement, but it favoured home industries against the industries of both Britain and Japan. He said that, if England and India would work in friendly partnership instead of drifting apart, he would favour Lancashire for cloth that they could not yet produce in India.

Mahatma Gandhi had an informal conversation with sixteen cotton employers and Trade Unionists for two hours. He fully brought home his stand-point. He made it clear that hand-spinning was a social and economic movement and must continue in the absence of any

effective substitute to ameliorate the condition of the masses

Gandhiji spent the whole afternoon at West Bradford receiving deputations of cotton operatives, including women, from various parts of Lancashire. They gave expression to their fear that the continuance of depression would result in lowering the standard of living in Lancashire, which would have a world-wide reaction.

Mahatma expressed the greatest sympathy but said that the difference between the Lancashire and Indian standards was so great that he must give his first attention to elevating the latter.

Mahatma Gandhi had 150 minutes' discussions with about twenty operatives staying at the Guest House on the problem of Lancashire in relation to India and how improvement might be effected. He had a very friendly discussion and learned something of the distress in Lancashire and his heart went out to the people. He had already shown the limited extent to which help from India was possible in the event of a permanent settlement. He was oppressed by the fact that unemployment was so widespread that help from India would affect only a small part. The distress was largely due rather to world causes than to the Indian boycott. He believed that the loss through boycott was only 3 per cent. It would be presumptuous for him to indicate other methods or alleviating or eliminating the present distress. Compared with the poverty in India, said Gandhiji, poverty in Lancashire was insignificant.

Asked to clarify his attitude regarding favouring British cloth, Gandhiji said that, provided a satisfactory political settlement was reached, he would agree to the prohibition of all foreign cloth except Lancashire cloth,

which would be admitted to the extent of non-Indian cloth still necessary to supplement India's own supply. Gandhiji emphasised that this statement was based on India being absolutely free and there would in any event be no sacrifice of India's interests for the benefit of Lancashire.

Replying to students' reception on September 30 to the suggestion that the Karachi Resolution was contrary to the Lahore resolution, Gandhiji defined his views of Complete Independence and Dominion Status.

Meeting with  
Students

The Lahore resolution, he said, did not refer to partnership, but it was common-sense that an independent nation could form a partnership. He did not want to belong to the Empire, but he could conceive of India in partnership with Great Britain, but not of India as a part of the Empire or Imperial system. He dreamed the dream of India and Britain maintaining world peace without arms or bloodshed. He would make every endeavour to gain his terms and would accept nothing less.

"Whether we agree or whether we disagree with your views, in fact there is little which is disagreeable in your presence. You have demolished the

At Oxford House  
Settlement

barrier between our peoples"—in these words Gandhiji was received on October 1, by the spokesman of the meeting of the members of the Oxford House Settlement, East End, which is an institution very much akin to the organisation of Kingsley Hall. The meeting was arranged to express their gratitude to Gandhiji. Gandhiji conversed with the members informally for about an hour and answered questions. He was asked "What will India do if the British troops are withdrawn?"

Gandhiji replied — "We demand control of our army. We do not object to British officers during the transitional period so long as they are controlled by the national legislatures. I am pained very much when I am told that British officers will not serve under Indian officers. We are capable of training ourselves. We also trust that the American, German, French and the Japanese would be willing to help us. Assuming that none of them come to our help, and that we ourselves are incapable and cowardly, I say let us pay the price for our cowardice. I was myself a coward in my younger days and I was afraid of mere darkness. If I should have been able to shed my cowardice, why should we not hope that even nations which are cowards would, when put under mettle, shed their cowardice, become brave and capable of defending themselves? If we do not rise to the occasion let us perish. It is better that we perish, if it is really true that we are cowards. It will be nobler to die than continue as a burden on Britain."

Referring to the suggestion that India must get Swaraj through gradual stages, Mahatmaji said — "I am not prepared to conceive gradual progress towards Swaraj. I am not prepared to accept less than the fullest equal partnership with Britain."

Questioned with regard to his views about the missionary endeavours Gandhiji maintained that the Christian conduct of life, which must be most ennobling at proselytisation, only succeeded in erecting a barrier in India which is most deplorable.

Does Independence preclude partnership? Does Swaraj necessarily mean severance of honourable partnership? To these two questions, which have been vexing the minds of Indian youths ever since the peace negotia-

Address to Indian  
Community

tions began, Gandhiji gave clear and emphatic answers in course of his reply to the welcome address presented by the Indian community on October 1, at the Guild House, the answer being an unambiguous "No"

He said — "My mission here is to ask for Complete Independence That does not exclude partnership with Britain on absolutely equal terms, with option to terminate it at will The Lahore Congress resolution no doubt meant severance from the British Empire But it is not the same as severance of all honourable partnership with Britain While India would not belong to the Empire as a subject nation, it would be an honourable partner if Britain so desires That the Indians so desire is evident from the fact that I have come here to ask for Complete Independence, not excluding the ideal of partnership, if such partnership is equally desired by Britain "

Gandhiji was asked why was it that the Independence section and the States subjects were unrepresented on the Conference? Gandhiji answered that he himself represented the Independence side and the States subjects I hope, he said, I would fulfil my duty according to my own ability and my own lights

Asked to explain his offer of preference to British cloth, he said — "If Britain is my partner, I would prefer cloth produced by my partner to that produced by those who are not my partners At the same time I wish to warn that I am not so simple as to believe that the complete independence we want can be achieved by entering into a bargain of such comparatively insignificant character "

There were then questions about the fate of the men of the Garhwal Rifles and the prolonged agony of the Meerut trial Replying to the question about the



Garhwalis Gandhiji said that he felt that they were guilty of breach of discipline and that at that stage he did not propose to confer with the Government in connection with that matter. "But if I get the thing for which I have been sent to this country" (Here Gandhiji's words were drowned by an uproar created by a small group of students who attempted to create disturbance) Gandhiji immediately rebuked them saying — "Please behave yourself well, whoever that friend is"

Referring to the Meerut prisoners, Gandhiji said — "I have tried my level best and in a manner I know to be the best and consistent with the dignity of the nation; and I will not fail in my duty whenever it is possible to speak a word on their behalf"

To celebrate Gandhiji's 63rd birthday an enthusiastic luncheon party was organised on October 2 by the Independent Labour Party, the Indian National Congress League and the Gandhi Society in Westminster Place in Victoria Street. The room in which the luncheon took place was profusely decorated with flowers befitting the occasion. The lunch consisted entirely of fruits and nuts. Mr. Fennor Brockway, who was Chairman of all the three organisations under whose auspices the luncheon was arranged, welcomed Mahatmaji in a felicitous speech in which he referred to the wonderful welcome that Gandhiji had received from the people of London and from people of all shades of political views who were anxious to honour Gandhiji because he was a visitor from India. Mr. Brockway said "To-day's birthday party was given, and those who were present felt towards Gandhiji as comrades and 'fratres'." This feeling of comradeship, Mr. Brockway explained, was even greater during the

Civil Disobedience movement. Whatever might have been the views of the British Government, whether there was truce or not, those who were present would remain with Gandhiji in his cause of complete independence, which has been the policy of the Independent Labour Party since the days of Keir Hardie."

Mr Brockway also referred to Gandhiji as the representative of India's right to the fullest political freedom, and also hoped that when political freedom for India was attained, the fight would continue for the attainment of social and economic freedom.

Mr Puri, Secretary, Gandhi Society, then presented Gandhiji with a spinning wheel as a birthday present. The presentation was greeted with loud and prolonged applause. Mr G. Dara on behalf of the Indian National Congress League read a message conveying devotion and affection from the members to Gandhiji.

Mahatmajī then made a short reply. He said — "Ever since I came to London I have experienced nothing but friendliness and genuine affection. Every day I have been making new friends. But, you have reminded me that you have been my friends in need, which surely means friends indeed. When it appeared as though the Congress might be abandoned by everybody on earth, you stood by the Congress firmly, accepting the Congress position as your own. I would be carrying coals to Newcastle to tell these friends anything about the Congress case, which I am confident is safe in your hands."

Mahatmajī then made a humorous reference to the English lunch saying that, when he saw fruit laid on the table, he knew what great sacrifice they were making. He added that behind this joke was the serious thought that a time might come when they would have to sacrifice much.

more if they continued advocating India's independence. Gandhiji continued — "I entertained no illusion in my mind when I undertook the journey to London in fulfilment of the pledge to an honourable Englishman. I have no liberty to diminish anything from the Congress mandate, save to the extent permissible in that mandate. But the more I stay here the more I feel the task to be almost superhuman. There is so much ignorance regarding India."

He concluded — "India does not want to spill her rulers' blood in her pursuit of freedom. But I must tell you that she does not hesitate to spill a whole Gangesful of her own blood in order to vindicate the claim for the freedom which has been so long delayed."

Under the auspices of the Women's Indian Association and Sarojinini Dutt Memorial Association a reception was held on October 2 at St George's Hall to honour Mahatmaji. Mrs. Brijlal Nehru presided. In her address Mrs. Nehru said that the women of India by their action proved how solidly they stood behind Mahatmaji during the last struggle.

Lady Ginnala then garlanded Mahatmaji. Mrs. Ramarao next presented him with a large basket of fruits; and a purse was presented containing £165 collected from Indian and British women for women's work in India.

Mahatmaji in his reply expressed his heart-felt gratitude for the address and the purse and said — "The manifestation of energy, devotion and sacrifice which thousands of women made during the last Satyagraha in India was nothing short of a miracle. Though I had great faith in their ability to discharge their duty to the utmost, I was not prepared for the phenomenal awakening which



#### WELCOME AT FRIENDS' MEETING HOUSE

Malcolm Gandhi made his first speech in London at the Friends' Meeting House in Ruston Road, where was welcomed immediately on arrival. In this picture he is making his speech while seated. On his right are Pt Malaviya, on his left Mr Laurence Housman (Chairman) (Page 83)



occurred This probably took the country several years in advance If India to-day stands taller than she did eighteen months ago, I know Indian women had the largest share in it It does not surprise me that the vast body of women in India does not want to scramble for special protection and special privilege The women have set a noble example to men by abstaining from claiming special privileges "

Finally Mahatmaji declared — "I would like to have their blessings in order that I may not fail to represent the cause that has been entrusted to my hands "

Mrs Sarojini Naidu, speaking next, said that one reason why Gandhiji was a world figure was because of his great compassion for women and children and she only wished that India were free so that Gandhiji could be redeemed to speak for the world instead of for one country

Mahatma Gandhi attended the evening service at Canterbury Cathedral on October 4 sitting by the side of the Dean with whom he returned to the Deanery after the service

With the Dean of  
Canterbury

Gandhiji had a long talk with the Dean A large crowd watched the Deanery throughout the day

Gandhiji attended a prayer meeting at Fellowship Club on October 6 where he talked with the friends of India Gandhiji expressed surprise when he entered the room to find all present squatting on the floor, especially since the majority of the audience were non-Indians Gandhiji said in course of his address —

Prayer at Fellow-  
ship Club

"I confess that so far as human effort is concerned, I seem to be failing Burdens are being thrust upon me which I am ill able to bear For instance, I am working

myself beyond my capacity in connexion with the communal question I see no atmosphere to warrant that I shall go away with Complete Independence though I am not daunted or depressed at the prospect I request your prayers for the cause I represent "

Professors and students filling to its full capacity the great hall of Nottingham University college on October 18 heard Mahatma Gandhi give a discourse explaining the Congress aims and ideals

At Nottingham

Independence, said Gandhiji, could only be earned, and the Indian people had chosen to earn it through suffering, and not through violence After outlining the reasons for the Congress position Mahatmajji begged the younger generation of Nottingham not to imagine that Indians were disunited because Hindus and Muslims were unable to reach an agreement in London, or because riots sometimes broke out in Indian towns, but to remember that Hindus and Moslems lived peacefully side by side in 700,000 Indian villages

Gandhiji was given an enthusiastic ovation at the conclusion of his address , and the Principal of the University, Prof Stewart, thanking the Mahatma, expressed gratification at the fact that the University had been given an opportunity of hearing Gandhiji They had been addressed before now by administrators and others with knowledge of India, but it was the first time that the case had been put by an Indian Many students assembled at the gates to bid farewell as Gandhiji departed

Mahatma Gandhi called at the Research Institute at Springfield, where Col Maddock of the Indian Medical

Meeting with Col  
Maddock.

Service (Retired) is carrying out important research work, and was warmly received by the Colonel It

may be remembered that the Colonel saved Gandhiji's life while he was in Poona prison undergoing a sentence of six years' rigorous imprisonment in connexion with the Non-Co-operation Movement of 1921. Gandhiji developed Appendicitis in the jail and a few hours' delay might have meant death. Against prison rules Col Maddock took Gandhiji to hospital and because the electric light suddenly failed, the Doctor had to complete the operation by the light of a hurricane lantern.

A large attendance at the Institute of International Affairs was addressed by Gandhiji on October 21. The proceedings were confined to the members only. Gandhiji dealt with the extreme poverty of the people and with untouchability and maintained that the Congress was the only organisation to deal with the situation. The solution was self-government for India.

On October 21 Gandhiji addressed a successful meeting of the governing classes held at Chatham House, Lord Lothian presiding. The meeting lasted for three hours and an unprecedented crowd thronged every inch available in the spacious rooms of the house. The other speakers included Sir Stanley Reed, Mr Yusuf Ali and Colonel Gidney.

Gandhiji delivered at the conclusion of the meeting a brilliant peroration in response to an appeal to state his political case. Gandhiji's representation of the case went home to the audience. According to a competent listener, the peroration reminded everyone of the scene where Christ using a whip hounded the money-changers from the



## INDIA'S STRUGGLE FOR SWARAJ

fructs of the temple Gandhiji's whip was only words of love and sincerity but at the same time he was firm, righteous and indignant Notwithstanding Gandhiji's outspoken presentation, the audience extended Gandhiji their warmest and friendliest greetings

Mahatma Gandhi privately addressed a meeting of the leaders of all Christian denominations including a number of Bishops on October 21  
**Address to Bishops** The Archbishop of York presided

Gandhiji arrived at Woodbrooke Settlement, Birmingham, on October 18 and was received by Mr & Mrs Henry Cadbury who are wardens of the  
**At Birmingham** College The College belongs to the Society of Friends It is an institution for religious and social study founded 25 years ago and primarily intended for English Quakers, but among fifty students of both sexes now on the rolls there are many of different nationalities and various ages

Gandhiji was received by Dr Parthasarthy, who called on him to offer him a welcome on behalf of the Indian community in Birmingham

Gandhiji was severely questioned at a meeting to which the public had been invited Gandhiji accused the Government of India of playing the parties in India one against the other and making the achievement of unity among Hindus, Moslems, and Sikhs a herculean task He declared that the delegates to the Round Table Conference as nominees of the British Government were not free to settle the differences among the communities He himself was there on sufferance and could do nothing Moreover the threat of the Government to settle the question themselves in the event of delegates not settling it gave hopes to the minorities that they could get more than they had

a right to receive if they succeeded in bringing about the failure of the Conference

Asked whether the communities in India themselves had reached a settlement despite the refusal of delegates in London to do so, Mahatma Gandhi replied that the Congress had produced a settlement which had been accepted by Hindus, Moslems and Sikhs but there was no chance of acceptance of the Congress settlement in London because at the Conference the Congress stood as one of the many organisations whereas in India the Congress overshadowed every other political organisation. The Congress was ready and willing to take up the responsibilities of the Government of India, and it was for the British Government to hand over the country to the Congress and leave the Congress to settle with the minorities. The poverty of India was due chiefly to British rule, and the building of New Delhi was a crime. He denounced the giving of dances and balls by Viceroys when millions were starving, and if he had an opportunity he would dispossess the Indian Princes of their insolent palaces.

No one at the Conference, said Gandhiji, expected satisfaction of Indian demands, but everyone expected that something would be given to India. That something would be a share in the exploitation of the masses by the British, and every delegate to the Conference was trying to get as large a share as possible for his own community. If Britain declared that she would withdraw from India, the various communities would reach a settlement immediately. The Government of India was a wedge between the communities, and the organic life in India was being poisoned by foreign matter, which, had to be expelled as the first condition of a settlement.

The meeting of Eton boys, which was addressed by Gandhiji on October 23, was very enthusiastic, and they listened with great interest to Gandhiji's account of conditions in India. Mahatmaji in the morning met the son of Lord Irwin at Eton *en route* to Oxford. He spent two hours in the evening with a group of younger fellows of the Oxford colleges interested in political and economic science.

Gandhiji arrived at Oxford at 3 P.M. on October 24, accompanied by Mr C. F. Andrews, Miss Mira Bai and Mr Mahadev Desai. Gandhiji came in a motor car from Eton on a visit to Dr. A. D. Lindsay, Master of Balliol, who met Gandhiji in India last year when Dr Lindsay was a member of the Christian Higher Education Commission.

Gandhiji addressed at 6-15 P.M. a joint meeting of members of the Lotus Club and Indian Majlis. The latter is composed of Indian under-graduates, while the former includes also English under-graduates. A large Congress flag was displayed.

Gandhiji did not make a formal speech but answered questions, chiefly by English students, most of whom dealt with industrialisation.

Asked how the Congress would defend the North-West Frontier, Gandhiji replied that the only danger was the possible disloyalty of the Indian Muslims to India, but he was sure that they would never combine with a foreign invader from the North-West. He also trusted the hundred thousand so-called "Red Shirts".

Replying to an Indian student, Gandhiji defended his position with regard to separate electorates for the untouchables, which he said would be an apple of discord.

between the caste Hindus and the untouchables. The latter's life would be made impossible by caste Hindus. Moreover, it was only by putting the untouchables on the same voting list that the reformers would be given an opportunity of raising them to equality. On the conclusion of the meeting Gandhiji was garlanded and was given an ovation.

The Dairy show at the Royal Agricultural Hall, Islington, concluded on October 23 with championship competition in butter and junket-making and with poultry-judging by boy and girl members of the National Association of the Young Farmers' Clubs.

Mahatma Gandhi accompanied by Miss Slade and several Indian followers visited the show. He was conducted to the goats' stall, where he saw the first winner of the Toggenburg class. The goat came from Miss Harrison's farm at North Weald, Essex, which provided Gandhiji with his daily supply of goat's milk. At the Empire Marketing Board's stall, Gandhiji was presented with two pieces of cheese made from goat's milk.

Speaking at the meeting of the Indian Majlis at Cambridge on Nov. 1, Gandhiji recalled that he addressed the Majlis in 1908. In reply to questions Mahatmaji said that his solution was the Congress solution but as that was unacceptable to the Muslims he proposed either private arbitration or arbitration by a Judicial Tribunal. If those two alternatives were not accepted, only time could produce a settlement. The failure to effect a settlement of the Punjab question arose from common distrust among Sikhs, Hindus and Muslims. He warned his hearers against exaggerating the importance of the

Address to Indian  
Majlis

Punjab question The attitude of the delegates to the Round Table Conference was not representative of the attitude of the people of India If the Round Table Conference failed, civil resistance would certainly be revived in India It would not occur immediately Civil resistance was a movement under the control of the Congress and would be revived only after the Congress had formally decided to do so after due consideration

Mahatma Gandhi paid a week-end visit to Cambridge on Nov 1 as the guest of Dr Hutchinson, Master of Pembroke College, accompanied by his personal staff and Mr C F Andrews

During his early-morning walk Mahatma Gandhi visited all the colleges Later, he met at the Master's house a number of leading figures in the University, including Messrs Lowe Dickinson, Earnest Barker, J O F Marry and also Evelyn Wrench, Editor of the *Spectator* In the afternoon Mahatma Gandhi visited Westcott House and Ridley Hall where he spoke a few words to the students

He was then taken by the Dean of King's College to the Chapel where he was greatly impressed by the beauty of the ancient building.

Mahatma Gandhi had fifty minutes' talk with Mr Ramsay Macdonald, Prime Minister, at Downing Street on Nov 3 This was Gandhi's first visit to Downing Street He was unescorted, dressed in his loin cloth and wearing Khaddar cloak and sandals His bare legs were exposed to extremely cold winds but he was quite cheerful and smiling

On November 5 Mahatma Gandhi met the King for

the first time since 30 years ago when His Majesty as the Duke of Cornwall visited South Africa. Gandhiji then presented an address on behalf of the Indian community. Bare-headed and clad in his customary loin cloth and shawls, Mahatmaji who was accompanied by Mrs Sarojini Naidu and Mr Mahadev Desai went to Buckingham Palace in response to the King's invitation to the party which was attended by all the delegates to the Round Table Conference. Crowds gathered outside the Palace long before the first guest appeared.

Mahatma was met at the entrance by the Lord Chamberlain who conducted him through the drawing rooms where he was met by the social secretaries of the Round Table Conference who introduced him to Their Majesties. Gandhiji walked up the crimson staircase and shook hands with the King and the Queen who were standing apart and had animated conversations for about five minutes. Masses of chrysanthemums and other blooms helped to beautify the State rooms and green dining rooms where tea was served. The orchestra began playing and the guests took tea but Mahatmaji did not. He and Mr Mahadev Desai left the palace after a stay of thirty-five minutes.

"We postal workers are sympathetic towards your mission," said Mr J W Bowen, Secretary, Post Office

Workers' Union, in welcoming  
 Address to Postal  
 Workers

Gandhiji on November 6 when Gandhiji addressed the members of the Executive Council at the office of the Union at Cromwell Road. Mahatmaji described the scope of the work of the Labour Union at Ahmedabad and the vast field for trade union work in India. He urged British

postal workers to become more and more interested in their co-workers in India, who were simply struggling to live

Referring to the argument of a section of the British press that India is incapable of managing her own affairs, and referring to Kashmir which is cited as a plea for the necessity of maintaining the British army, Gandhiji said — "You must pardon me, but I believe the whole thing is stage-managed in the tragic sense of the term. Even the States are vassal States. The Princes may have salutes of 21 guns, may have titles, palaces and plenty of money to squander, but I suggest they are prisoners in their own palaces. Though they have power to inflict punishment on their own subjects, the sizes of their armies are limited. The uses to which their army are put, are restricted, so that when the British Government wishes to put its foot down on any State, it can do so with ease. Whether these restrictions are for better or for worse, the fact remains that these Princes are not independent, but impotent, and so at critical moments they dare not take measures the noble like to take, because residuary powers still exist with the British who are the over-lords. My whole soul rises against this state of things, which must be broken, and the spell which the greatest secret corporation of the world, namely the Indian Civil Service, has played on us, must be lifted."

that he should take to the postal workers in India the fraternal greetings of the British postal workers

Mahatmajī attended a reception by the Indian Medical Association in Veerasamy's Restaurant on November 4

Dr Gotla, who presided, welcomed  
 Reception by Medi- Gandhiji in a long speech Dr  
 cal Association Pardhy also speaking at length  
 referred to the scheme of the Indian Hospital in London  
 Gandhiji left after a brief reply

Gandhiji addressed a mass meeting at the Friends' Meeting House on November 10 organised by the League of Fellowship and Reconciliation

Address to League which is composed of representative  
 of Fellowship bodies interesting themselves in  
 international peace In his address Mahatmajī mainly  
 dealt with the claim of the Congress to represent the  
 Indian masses

Concluding the address Gandhiji said "Why does this Round Table Conference seem to be failing? The answer is, because it contains not real representatives of the nation, but merely supposed representatives. It is a packed house. I, who am representing over ninety per cent of the Indian population, am pitted against 149 or whatever the number of other delegates. So how can I prove that I overshadow the other 149? Immediately I make good that claim, you will see that my task before the Conference and the British Ministers will be easier. Unless I prove that the Congress represents the bulk of the people, I must go back and re-start Civil Disobedience. The Congress undertakes to take charge of the new Government of India, and if it does not get it by negotiation, it will get it by self-suffering, to avoid which I have been brought here by Lord Irwin. Something must ha e



struck Lord Irwin that we had suffered sufficiently and that we represented the people of India, otherwise it would have been wrong on his part to release people from prison before time, and also why should he have negotiated with me if he had not recognised us as representing the nation."

The Theatre of the London School of Economics did not suffice to accommodate the members of the School

At the School of  
Economics

Students' Union who assembled to hear Gandhiji on November 11. The audience consisted mostly of English students and was perhaps the largest English audience Gandhiji had addressed in England. Mahatma Gandhi said that a wide gulf existed between him and the English people as the latter were under the influence of a false history. He was striving to devise means for bridging the gulf.

Referring to his activities in connection with the Round Table Conference, Gandhiji declared that it was easier to negotiate from behind prison bars than at the Round Table Conference. If he did not succeed in obtaining freedom for India, he would invite his countrymen and countrywomen to resume Civil Disobedience and cheerfully sacrifice a million lives in the struggle.

Gandhiji addressed a public meeting on Nov. 18 under the auspices of the newly formed Women's Indian Council which aims at promoting greater understanding between India and Britain at the Morley College. The meeting was largely attended and the audience was composed almost exclusively of women drawn from various organisations. Gandhiji drew a vivid picture of the part played by women during the last Civil Disobedience movement saying: "I have

been filled with hope that when the history of India comes to be written, it will be shown that the part played by women in the struggle was the largest. There is yet time for India and Britain to live together as friends on terms of absolute equality not only for the good of Britain, and India, but for the whole of humanity."

Gandhiji attended a meeting organised under the London Vegetarian Society at the Chelsea Town Hall on

<p>Nov 20</p> <p>Address to Vegetarians</p>	<p>There he met Sir Henry Salt whose book "Plea For Vegetarianism" is mentioned in Gandhiji's "Autobiography" in which he says — "From the date of reading this book I am claiming to have become a vegetarian by choice"</p>
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Gandhiji, who was accompanied by Miss Mira Ben, was enthusiastically welcomed by the gathering. In course of his address on the subject of vegetarianism Gandhiji strongly urged that the case for vegetarianism should be based on a moral issue against killing fellow animals rather than on the physical issue of health.

Among the distinguished persons Gandhiji saw in England were Mr George Bernard Shaw, Mr Arthur

<p>Henderson, and Mr Lloyd George</p> <p>With Distinguished Leaders</p>	<p>Gandhiji also met Lord Irwin. Discussions ranged over a variety of</p>
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topics but particularly centred round India. But by far the strangest meeting was with Mr Charlie Chaplin, the famous comedian of the film. Having learnt that Mr Chaplin was a people's man, Gandhiji immediately agreed to meet him. And the very first question Mr Chaplin asked was about the spinning wheel and machinery. Gandhiji, who was delighted at the question, explained the implications of the *Charka* for the starved

millions of a subject nation to occupy their leisure profitably with. In reply to a question, Gandhiji said he had no prejudice against machinery and he would have no objection to Indian workers having shorter hours of work when India got freedom and was able to remove unemployment. Mr. Chaplin sat for a while with Gandhiji and prayed with him on the carpet and then left, apparently immensely pleased.

If the public ovation was tremendous, the private reception was still more warm. At Kingsley Hall, where

**Private Receptions** Gandhiji was staying, he found himself amidst surroundings which were truly in consonance with the spirit of the life he lives daily. He refused to leave Kingsley Hall for more commodious accommodation which was placed at his disposal close to St. James' Palace, the venue of the Round Table Conference. He was besieged with visitors and letters inviting him to visit many places in the interior. Gandhiji had a crowded programme almost everyday and he went through the ordeal with his usual cheerfulness—although it left hardly any time for sleep and rest. Though he retired very late at about 1 a.m. he was up at his usual hour following the routine to the minute. He enjoyed his early morning walk even in the rigour of the winter and Gandhiji found the greatest pleasure in the company of children who followed him in his walks and besieged him with all sorts of funny questions, to each of which he used to reply with the greatest delight.

After the deliberations of the Second Round Table Conference were concluded Gandhiji left London

**The Home-coming** at 9 o'clock on the morning of December 5. A large crowd of Britishers and Indians gave him an enthusiastic send-off.

Mahatma Gandhi appeared extraordinarily cheerful and was smiling throughout when he left London. He repeatedly appeared at the window of his third class carriage in response to requests from photographers. His staff were on the platform early to ensure that all arrangements were complete and, twelve minutes before the train was due to leave, Gandhiji with a party of English and Indian friends, walked down the platform, while Miss Mira Ben occupied herself with Mahatmaj's luggage which, owing to the number of documents and papers which had accumulated during the Conference, was appreciably larger than on the occasion of his arrival.

A large number of Indian and English admirers surged round the carriage until Gandhiji's departure. Among those present were Mr J M Sen-Gupta, Dr S K Dutt, Mr Horace Alexander, Mr Reginald Reynolds, Mr Polak, Pt Malaviya and Mr Lansbury. Both Pt Malaviya and Mr Lansbury entered the carriage to bid Gandhiji farewell and had a short conversation. As the time came for Mahatmaj to leave London, the crowd sang "Auld Lang Syne" and "For He's a Jolly Good Fellow."

As the train steamed out, Gandhiji with Mrs Naidu, who accompanied him up to Folkstone, stood at the carriage window and smilingly acknowledged cheers and cries of "Bande Mataram" and "Mahatma Gandhi-Ki-jai" which were enthusiastically raised.

It was a fine November day after a boisterous night, the Channel forecast being "rough seas". It was noted that many Gandhi caps were worn by the crowd on the platform, both Indians and Englishmen. Gandhiji was dressed in his usual loin cloth. Miss Mira Ben also stood at the carriage window and appeared delighted by the enthusiastic send-off to Gandhiji.

Mahatma arrived at Folkstone at 9-40 after sleeping during most of the train journey. There was no crowd at the station, but the Station Master met Mahatma and accompanied him to the cross-Channel steamer. The departure was very quiet. There were very few passengers by the early morning boat train and the steamer *Maid of Kent* sailed a few minutes after their arrival.

The only excitement was caused by an umbrella included in Gandhi's baggage being overlooked. It was thrown from the quayside and landed safely on the deck of the boat which was leaving. The sea was unexpectedly calm after the previous two tempestuous days, evidently to Mahatma's relief. Mrs Sarojini Naidu after bidding farewell returned to London.

"I am glad to be returning to India, but sorry to have to leave England. That is my happy condition." These were Mahatma's last words before he left England.

A Farewell  
Message

"The English people should believe me" continued Gandhi "when I say that if it falls to my lot to fight them, I will be engaged in a fight never out of hatred, but most surely out of love, even as I have fought some of my dearest relations. Hence I am determined to make every effort to continue co-operation as far as it is consistent with rational self-respect."

Gandhi added that he had always asked Indians to fight for liberty without hatred against the English. As a result of his visit to England he felt it more incumbent on him now to impress on his fellow countrymen that they should have no bitterness against the English.

The parting manifesto of Mahatma Gandhi issued by



**GANDHIJI PLANTS A TREE**  
Gandhiji planting a tree outside Kingsley Hall, Bow,  
(London) surrounded by his admirers



the Commonwealth of India League reiterates that the Congress demands complete independence, including full control of defence forces, external affairs and finance, not excluding an equal partnership with the British determinable at the instance of either party and subject to the discharge or adjustment of mutual obligations

The Congress will accept safeguards necessary in the interests of India, and is willing to take over all legitimate obligations, subject to examination by an impartial tribunal. The Congress is committed to the purely national solution of the question of minorities, but will, if necessary, accept the principle of special reservation of seats in the Legislature for Muslims and Sikhs as a necessary evil for historical reasons. The untouchables will be a special care of the Congress and it would be unjust to treat them separately and thus give untouchability a legal status when every attempt is being made to abolish the evil altogether.

The manifesto concludes by saying that no political disability will be placed on any one on the ground of race, creed or colour and, the Congress being wedded to adult franchise, there should be no difficulty in the representatives of any minority getting elected to the legislatures on the strength of national service.

Mahatma Gandhi arrived at the Gare du Nord at 4 P.M. the same day and was received by a large crowd of Indians, Frenchmen and other foreigners. As he landed he was given a rousing cheer to which he responded with his characteristic smile. A posse of policemen escorted Gandhi walking arm-in-arm with the Police Commissioner through the large welcoming crowd.



Mahatmaji, after facing the battery of cameras, motored to a hotel at Saint Lazare, where he was accorded reception by the Hindu colony in Paris

Squatting Buddha-like on the table in a gilded dance hall, Gandhiji, in the evening, expounded his doctrine to a gathering of 2,000 consisting mostly of youthful persons. The meeting was arranged by the local intellectuals. After speaking for a few minutes on the general situation created by the conclusion of the Round Table Conference, Mahatma Gandhi answered a number of questions most of which were put to him by his French audience.

In the course of his speech Mahatma Gandhi told his Indian audience — "We had started a battle and in its midst signed a truce for negotiations which were not successful. But nothing is lost now because I have ascertained the character and tactics of those with whom we have to fight, so that in future we shall make no mistakes. In battles, misfortunes are normal and so we must continue with greater zest and determination and must face suffering for the freedom of our country. To those of you who are living in Paris and in other parts of Europe, my plea is that you strive always to present to the world all that is best in India and her cause.

"Strive always to draw the attention of the world to the real nature of India's struggle. I cannot tell you just at this moment the temper of our people in the country. But I can tell you that when I get back they will be ready to put up a fresh fight.

"What we want for our country is control of army and the purse and it can certainly be obtained if only we are prepared to suffer and be perfectly non-violent. I shall ask our countrymen once again to obtain it by

suffering Disobedience is not violence but Disobedience means further suffering”

Gandhiji urged the French to study deeply the Indian independence movement which was based on truth and non-violence. Replying to questions he expressed the opinion that there was a chance of mutual settlement of the Indian problem. He said that he was not satisfied with Mr MacDonald's speech. “God only knows how long it would take India to obtain independence”

Leaving Paris on the morning of December 6 Mahatma Gandhi arrived at Montreux shortly after and immediately

Visit to Romain	motored to Villa Linette, belonging
Rolland	to M. Romain Rolland

The Villa is situated on a poetic spot overlooking the little town of Villeneuve on the extremity of Lake Geneva, where the poet Byron mused.

Gandhiji, squatted on cushions and wrapped up in a white shawl, received a small party of pressmen and a few friends including ladies. Replying to questions, he said that he had nothing to add to what he had said before his departure from London. He flatly denied a report from London in a Geneva newspaper that Indians would resort to violence if their wishes were not realised. He said personally he would give his life to prevent this.

Asked with regard to Mr Ramsay MacDonald's statement in the House of Commons, Gandhiji said that he would like to hear the views of the Congress before making a pronouncement on the statement. His message to the people of India was that they should come to no hasty conclusion, but await his statement for the people.

A peasant's family spinning at their home excited Mahatma Gandhi's utmost interest during the visit which, accompanied by Prof Edmond Privat, a well-known

pacifist, he paid to the village of Lesepey, where he inquired into the peasant's mode of living

He also visited the Tuberculosis Sanatorium at Leysin, where the patients included an Indian with whom Gandhi conversed

"Europe is suffering from a malady caused by the burden of armaments, and most countries are on the verge of moral and material bankruptcy", declared Mahatma, when expounding for forty-five minutes the ideals of truth and non-violence at the crowded People's Hall at Lausanne on December 8

Continuing Gandhi said that the contagion had spread to Asia, but hope was coming from India, which was endeavouring to secure independence by pacific means

Gandhi invited his hearers to study the movement impartially and critically, and, "if you conclude that the movement is conducted non-violently and truthfully, place yourselves on our side. You can mould European opinion"

A monster meeting of over two thousand composed of all classes at Victoria Hall was addressed by Mahatma Gandhi on non-violence under the auspices of the International Women's League for Peace and Freedom, at Geneva on December 10

Mahatma Gandhi referred to India's experience in non-violence and suggested its adoption by the League as sanctions for its decision, urging other nations to follow Switzerland's example in disarmament

Gandhi declared that non-violence was made of sterner stuff than conscription

Students of the Chillon College, an English institution, greeted Mahatma Gandhi, singing "God Save the King"

A Weaving Feast was one of the incidents during the Mahatma's stay at Villeneuve

Another was the invitation by Villeneuve students to their College. Students listened to a discourse on his policy.

Gandhiji was impressed by the weaving feat of an octogenarian woman, an old acquaintance of Miss Slade, in a village named Lesepey, in the Rhone Valley and was greatly interested in the demonstration of weaving of mats from strips of rags and himself took a hand at the loom.

Mahatmajī left Villeneuve for Rome at 2-37 P M on December 11 in a third class reserved compartment *en route* to Brindisi.

As the train slowed at the Milan station Gandhiji was greeted by the Station Master who offered him a first class carriage free. The offer was accepted.

Continuing the journey throughout the night Mahatmajī and party arrived at Rome at 8-30 A M next morning.

During his stay at Rome Gandhiji accepted the hospitality of General Moris, formerly head of Civil Aviation in Italy.

A short interview lasting only ten minutes was arranged on December 13 between Gandhiji and Signor Mussolini. The Duce enlightened himself about the real implications of the Indian Nationalist movement through a series of questions to Mahatmajī. Gandhiji paid a visit to the Capitol and the Tomb of the Unknown Warrior after the interview was finished. Earlier in the day he also visited the Royal School of the Montessori method and the Vatican Museum.

Shortly before leaving for Brindisi on the same night Gandhiji had an unexpected visit from Princess Maria,



## CHAPTER V

### WHAT DOES INDIA WANT?

*Speaking at the meeting of the Federal Structure Sub-Committee of the Round Table Conference Mahatma Gandhi said —*

I must confess at the outset that I am not a little embarrassed in having to state before you the position of the Indian National Congress. I would like to say that I have come to London to attend this sub-committee, as also the Round Table Conference when the proper time comes, absolutely in the spirit of co-operation and to strive to my utmost to find points of agreement. I would like also to give this assurance to His Majesty's Government, that at no stage is it, or will it be, my desire to embarrass authority, and I would like to give the same assurance to my colleagues here, that however much we may differ about our view-points, I shall not obstruct them in any shape or form. My position, therefore, here depends entirely upon your goodwill, as also the goodwill of His Majesty's Government. If at any time, I found that I could not be of any useful service to the Conference, I would not hesitate to withdraw myself from it. I can also say to those who are responsible for the management of this Committee and the Conference that they have only to give a sign and I should have no hesitation in withdrawing.

I am obliged to make these remarks because I know that there are fundamental differences of opinion between

the Government and the Congress, and it is possible that there are vital differences between my colleagues and myself. There is also a limitation under which I shall be working. I am but a poor humble agent acting on behalf of the Indian National Congress, and it might be as well to remind ourselves of what the Congress stands for and what it is. You will then extend your sympathy to me, because I know that the burden that rests upon my shoulders is really very great.

The Congress is, as I am not mistaken, the oldest political organisation we have in India. It has had nearly 50 years of life, during which period

**Position of Congress.** It has, without any interruption, held its annual session. It is what it means—national. It represents no particular community, no particular class, no particular interest. It claims to represent all Indian interests and all classes. It is a matter of the greatest pleasure to me to state that it was first conceived in an English brain. Allan Octavius Hume we know as the father of the Congress. It was nursed by two great Parsees, Sir Pheroze Shah Mehta and Dadabhai Naoroji, whom all India delighted to recognise as its Grand Old Man. From the very commencement the Congress had Mussalmans, Christians, Anglo-Indians, I might say all religions, sects and creeds represented upon it more or less fully. The late Badruddin Tyebji identified himself with the Congress. We have had Mussalmans as Presidents of the Congress, and Parsees undoubtedly. I can recall at least one Indian Christian President at the present moment, W. C. Bonnerji. Kaly Charan Bannerji, than whom I have no had the privilege of knowing a purer Indian, was also thoroughly identified with the Congress. I miss, as I have no doubt all of you miss, the presence of our old friend Mr. K. T. Paul. Although I do not know,

but so far as I know, he never officially belonged to the Congress, he was a nationalist to the full and a sympathiser of the Congress

As you know, the late Maulana Mohammed Ali whose presence also we miss to-day, was a President of the Congress, and at present, we have four Mussalmans as members of the Working Committee, which consists of 15 members. We have had women as our presidents. Dr Annie Besant was the first, and Mrs Sarojini Naidu followed. We have her as a member of the Working Committee also, and so, if we have no distinctions of class or creed, we have no distinctions of sex either.

The Congress has from its very commencement taken up the cause of the so-called "untouchables." There was a time when the Congress had at every annual session as its adjunct the Social Conference, to which the late Ranade had dedicated his energies, among his many activities. Headed by him, you will find in the programme of the Social Conference, reform in connection with the untouchables taking a prominent place. But in 1920, the Congress took a large step, and brought the question of removal of untouchability as a plank on the political platform, and made it an important item of the political programme. Just as the Congress considered Hindu-Muslim unity, thereby meaning unity amongst all classes, to be indispensable for the attainment of Swaraj, so also did the Congress consider the removal of the curse of untouchability as indispensable condition for the attainment of full freedom.

The position the Congress took up in 1920 remains the same to-day and so you will see that the Congress has attempted from its very beginning to be what it has des-



cribed itself to be, namely, national, in every sense of the term

If Your Highnesses will permit me to say so, in the very early stages, the Congress took up your cause also

Let me remind this Committee that  
**Congress and Princes** it was the Grand Old Man of India who sponsored the cause of Kashmir and Mysore, and these two great Houses, I venture, in all humility, to submit, owe not a little to the efforts of Dadabhai Naoroji and the Congress

Even up to now the Congress has endeavoured to serve the Princes of India by refraining from any interference in their domestic and internal affairs. I hope, therefore, that this brief introduction that I thought fit to give will serve to enable the Sub-Committee and those who are at all interested in the claims of the Congress, to understand that it has endeavoured to deserve the claim that it has made. It has failed, I know, often to live up to the claim, but, I venture to submit that if you were to examine the history of the Congress, you would find that it has more often succeeded, and progressively succeeded, than failed. Above all, the Congress represents, in its essence, the dumb, semi-starved millions scattered over the length and breadth of the land in its 700,000 villages, no matter whether they come from what is called British India, or what is called Indian India. Every interest which, in the opinion of the Congress, is worthy of protection, has to subserve the interests of these dumb millions, and so you do find now and again apparently a clash between several interests, and if there is a genuine real clash I have no hesitation in saying, on behalf of the Congress, that the Congress will sacrifice every interest for the sake of the interests of these dumb millions. It is, therefore, essen-

tially a peasant organisation, and it is becoming so progressively. You, and even the Indian members of the sub-committee, will, perhaps, be astonished to find that to-day the Congress, through its organisation, the All-India Spinners' Association, is finding work for nearly 50,000 women in nearly 2,000 villages, and these women are possibly 50 per cent Mussalman women. Thousands of them belong to the so-called untouchable classes. We have thus, in this constructive manner, penetrated these villages and the effort is being made to cover every one of the 700,000 villages. It is a superhuman task, but if human effort can do so, you will presently find the Congress covering all of these villages and bringing to them the message of the spinning wheel.

That being the representative character of the Congress, you will not be astonished when I read to you the

**Congress Mandate** Congress mandate. I hope that it may not jar upon you. You may consider that the Congress is making a claim which is wholly untenable. Such as it is, I am here to put forth that claim on behalf of the Congress in the gentlest manner possible, but also in the firmest manner possible. I have come here to prosecute that claim with all the faith and energy that I can command. If you can convince me to the contrary and show that the claim is inimical to the interests of these dumb millions, I shall revise my opinion. I am open to conviction, but even so, I should have to ask my principals to consent to that revision before I could usefully act as the agent of the Congress. At this stage, I propose to read to you this mandate so that you can understand clearly the limitations imposed upon me.

This was a resolution passed at the Karachi Congress.

"This Congress, having considered the provisional settlement between the Working Committee and the Government of

India, endorses it, and desires to make it clear that the Congress goal of Purna Swaraj, meaning complete independence, remains intact. In the event of a way remaining otherwise open to the Congress to be represented at any conference with the representatives of the British Government, the Congress delegation will work for this goal, and in particular so as to give the nation control over the army, external affairs, finance, fiscal and economic policy, and to have a scrutiny by an impartial tribunal of the financial transactions of the British Government in India, and to examine and assess the obligations to be undertaken by India or England and the right to either party to end the partnership at will provided, however, that the Congress delegation will be free to accept such adjustments as may be demonstrably necessary in the interests of India "

Then follows the appointment. I have in the light of this mandate endeavoured to study as carefully as I was capable of studying, the provisional conclusions arrived at by the several sub-committees appointed by the Round Table Conference. I have also carefully studied the Prime Minister's statement giving the considered policy of His Majesty's Government. I speak as subject to correction, but so far as I have been able to understand, this document falls short of what is aimed at and claimed by the Congress. True, I have the liberty to accept such adjustments as may be demonstrably in the interests of India, but they have all to be consistent with the fundamentals stated in this mandate.

I remind myself at this stage of the terms of what is to me a sacred settlement, the Settlement arrived at Delhi between the Government of India and the Congress. In that settlement, the Congress has accepted the principle of federation, the principle that there should be responsibility at the Centre, and has accepted also the principle that there should be safeguards in so far as they may be necessary in the interests of India.



make both ends meet We could not expect them to do anything less, and I felt, even as I was sailing towards London, whether we, in the sub-committee at the present moment, would not be a drag upon the British ministers, whether we would not be interlopers, and yet I said to myself it is possible that we might not be interlopers, it is possible that the British ministers themselves might consider the proceedings of the Round Table Conference to be of primary importance in terms of their domestic affairs Yes, India can be held by the sword But what will conduce to the prosperity of Great Britain, and the economic freedom of Great Britain, an enslaved but a rebellious India, or, an India, an esteemed partner with Britain to share her sorrows, to take part side by side with Britain in her misfortunes?

Yes, if need be, but at her own will, to fight side by side with Britain, not for the exploitation of a single race

or a single human being on earth,  
**Ideal of Freedom.** but it may be conceivably for the good of the whole world If I want freedom for my country, believe me, if I can possibly help it, I do not want that freedom in order that I, belonging to a nation which counts one-fifth of the human race, may exploit any other race upon earth, or any single individual If I want that freedom for my country, I would not be deserving of that freedom if I did not cherish and treasure the equal right of every other race, weak or strong, to the same freedom And so I said to myself, whilst I was nearing the shores of your beautiful island that, perchance it might be possible for me to convince the British Ministers that India as a valuable partner, not held by force but by the silken cord of love, an India of that character might be conceivably of real assistance to you in balancing your budget, not for one year but for many What cannot the

two nations do—one a handful but brave, with a record for bravery perhaps unsurpassed, a nation noted for having fought slavery, a nation that has at least claimed times without number to protect the weak—and another a very ancient nation, counted in millions, with a glorious and ancient past, representing at the present moment two great cultures, the Islam and the Hindu cultures and if you will, also containing not a small but a very large number of Christian population, and certainly absorbing the whole of the splendid Zoroastrian stock, in numbers almost beneath contempt, but in philanthropy and enterprise almost unequalled, certainly unsurpassed. We have got all these cultures concentrated in India, and supposing that God fires both Hindus and Musalmans represented here with a proper spirit so that they close ranks and come to an honourable understanding, take that nation and this nation together, and I again ask myself and ask you whether with an India free, completely independent as Great Britain is, whether an honourable partnership between these two cannot be mutually beneficial, even in terms of the domestic affairs of this great nation. And so, in that dreamy hope I have approached the British Isles, and I shall still cherish that dream.

And when I have said this, perhaps I have said all, and you will be able to dot the I's and cross the T's, not expecting me to fill in all the details, and tell you what I mean by control over the army, what I mean by control over external affairs, finance, fiscal and economic policy, or even the financial transactions which a friend yesterday considered to be sacrosanct. I do not take that view. If there is a stock-taking between incoming and outgoing partners, their transactions are subject to audit and adjustment, and the Congress will not be guilty of any dishonourable conduct or crime in saying that the nation

should understand what it is taking over and what it should not take over. This rule, this training, is asked for not merely in the interests of India, it is asked for in the interests of both. I am positive that the British people do not want to saddle upon India a simple burden which it should not legitimately bear, and I am here to declare on behalf of the Congress that the Congress will never think of repudiating a simple claim or a burden that it should justly discharge. If we are to live as an honourable nation worthy of commanding credit from the whole world, we will pay every farthing of legitimate debt with our blood.

I do not think that I should take you any further through the clauses of this mandate and analyse for you the meaning of these clauses as Congressmen give them. If it is God's will that I should continue to take part in these deliberations, as the deliberations proceed, I shall be able to explain the implications of these clauses. As the deliberations proceed I would have my say in connection with the safeguards also. But, I think, I have said quite enough in having, with some elaboration and with your generous indulgence, Lord Chancellor, taken the time of this meeting. I had not intended really to take that time but I felt that I could not possibly do justice to the cause I have come to expound to you, the sub-committee, and to the British Nation of which we the Indian delegation are at present, the guests, if I did not give you, out of the whole of my heart, my cherished wish even at this time. I would love to go away from the shores of the British Isles with the conviction that here was to be an honourable and equal partnership between Great Britain and India.

I cannot do anything more than say that it will be my



#### GANDHIJI'S DAY OF SILENCE

first day of Round Table Conference when Gandhiji attended was his day of silence which he is observing for the last twelve years. He sat silent behind Lord Sankey (Chairman) replying by signs when anyone addressed him. In the picture he is seen conversing with the help of a small scribbling pad.





fervent prayer during all the days that I live in your midst that this consummation may be reached I thank you, Lord Chancellor, for the courtesy that you have extended to me in not stopping me, although I have taken close upon forty-five minutes I was not entitled to all that indulgence and I thank you once more

### THE LEGISLATURES.

*Following is the full text of the second speech made by Mahatma Gandhi before the Federal Structure Sub-Committee of the Round Table Conference —*

Lord Chancellor, it is not without very great hesitation that I take part in this debate and before I proceed to deal with the several points that  
**Sense of Unreality.** are noted down for discussion I should like, with your permission, to disburden myself of an oppressive feeling that has been growing on me ever since Monday I have watched with the greatest attention the discussions that have taken place in this Committee. I have endeavoured to study, as I have not done before, the list of the delegates, and the first feeling of oppression that has been coming upon me is that we are not the chosen ones of the nation which we should be representing, but we are the chosen ones of the Government I see, as I study the list, and as I know the different parties and groups in India from experience, some very noticeable gaps also and so I am oppressed with a sense of unreality in connexion with our composition

My second reason for feeling a sense of unreality is that these proceedings seem to me to be interminable and to be leading us practically nowhere If we go on at this rate, I do not know that we shall proceed beyond having

discussed the various points raised before this sub-committee threadbare I would, therefore, first of all, Lord Chancellor, tender my deepest sympathies to you for the very great patience, and may I add the unfailing courtesy, with which you are handling us, and I really congratulate you upon the great pains that you are taking over the proceedings of this sub-committee. I hope, however, that at the end of your task and of our task it will be possible for me to tender my congratulations on having enabled us, or even compelled us, to show tangible result.

May I here lodge a gentle, humble complaint against His Majesty's advisers? Having brought us together from over the seas, and knowing, as I

**A Complaint.** take it they do know, that we are all of us, without exception, busy people, as they themselves are, and that we have left our respective posts of duty, having brought us together is it not possible for them to give us a lead? Can I not, through you, appeal to them to let us know their mind? I should be delighted—and I feel that would be the proper procedure, if I may venture to say so in your presence—if they would bring forward concrete proposals for taking our opinion. If some such thing was done, I have no doubt, that we should be able to come to some conclusions, good or bad, satisfactory or unsatisfactory, but, if we simply resolve ourselves into a debating society, each member of which gives an eloquent discourse upon the points severally raised, I do not think that we shall be serving or advancing the purpose for which we have been brought together.

It seems to me that it might be profitable, if it is open for you, to appoint a sub-committee to give you some points for conclusion so that our proceedings may be

terminated in fair time. I have simply ventured to throw out these suggestions for your consideration and for the consideration of the members. Perhaps you will kindly bring them to the notice of His Majesty's advisers for their consideration.

I do want them to guide us and to give us a lead, and to place their own cards on the table. I want them to say what they would do supposing that we appointed them as the arbiters of our destiny. If they would be good enough to seek our advice and opinion, then we should give them our advice and opinion. That would be, in my opinion, really a better thing than this state of hopeless uncertainty and endless delay.

Having said that, I shall venture to offer a few remarks on direct and indirect election. There I share the difficulty that faced Sir Tej Bahadur Sapru. If I understood him rightly, he said that he was embarrassed in that he was called upon to deal with several sub-heads when he did not know what the franchise actually would be. There is this difficulty that stares me in the face in common with him, but there is an additional difficulty that stares me in the face. I place before the sub-committee the mandate of the Congress, and I have to discuss every one of the sub-heads in terms of that mandate. Therefore, on certain of these sub-heads I would have to offer suggestions or my opinion in terms of that mandate, and if the sub-committee does not know what it is sailing for, naturally, the opinion that I may offer would be really of no value to that sub-committee. The opinion would be of value only in terms of that mandate. My meaning will be clear when I come to examine these sub-heads.

With reference to sub-head (1), whilst my sympathies broadly speaking, are with Dr Ambedkar, my reason is wholly with Mr Gavin Jones and Sir Sultan Ahmed. If we were a homogeneous sub-committee, whose members were entitled to vote and come to a conclusion, I should then sail a very long distance with Dr Ambedkar, but such is not our position. We are an ill-assorted group each member of which is perfectly independent, and is entitled to give his or her views. In that state we have no right, in my humble opinion, to say to the States what they shall do and what they shall not do. These States have very generously come to our assistance and said that they would federate with us and perhaps part with some of their rights which they might otherwise have held exclusively. In that condition, I could not but endorse the opinion given by Sir Sultan Ahmed, which was perhaps emphasised by Mr Gavin Jones, that the utmost that we can do is to plead with the States, and show them our own difficulties, but at the same time I feel that we have to recognise their special difficulties also.

Therefore, I can only venture a suggestion or two to the great Princes for their sympathetic consideration, and

**Appeal to Princes** I would urge this, being a man of the people, from the people and endeavouring to represent the lowest classes of society—I would urge upon them the advisability of finding a place for themselves also in any scheme that they may evolve and present for the acceptance of this sub-committee. I feel and I know that they have the interests of their subjects at heart. I know that they claim jealously to guard their interests, but they will, if all goes well, more and more come in contact with popular India, if I may so call British India and they will want to make common cause with the inhabitants of that India, as the inhabitants

Because they will not go, I cannot go. I can only make an appeal to them. It is open to them, as we know, either to come into the Federation or not to come into it. It is up to us to make it easy for them to come into the Federation. It is up to them to make it easy for us to welcome them with open arms. Without that spirit of give-and-take I know that we shall not be able to come to any definite scheme of federation, or, if we do, we shall ultimately quarrel and break up. Therefore, I would rather that we did not embark upon any federal scheme than that we should do so without our full hearts in the thing. If we do so, we should do so whole-heartedly.

Then, with reference to the second head, I see that the second head has really been considered, in connexion with disqualifications, whether there should be any disqualifications or not. Although I claim to be a full-

Disqualification of  
Voters.

## INDIA'S STRUGGLE FOR SWARAJ

fledged democrat, I have no hesitation in saying that it is entirely consistent with the rights of the voter to have some disqualifications attaching to candidature as also some disqualifications which would unseat a member. What they should be I do not wish to go into at the present moment, I simply say that I would endorse wholeheartedly the idea and the principle of disqualification.

The words 'moral turpitude' do not frighten me; on the contrary, I think they are good words. Of course any words that we may choose with the greatest deliberation will still cause difficulty, but what are judges for if they are not there to surmount those difficulties? In case of difficulty, judges will come to our assistance and will say what comes under the term 'moral turpitude' and what does not, and if, perchance, a person like myself, offering civil resistance, was considered guilty of 'moral turpitude' I will take that I do not mind being disqualified. Some other people might have to suffer hardship also, but on that account I am not disposed to say that there shall be no disqualifications whatsoever, and that if there were any, it would be an encroachment upon the right of the voter. If we are to have some test or some age limit, I think we should have some character limit as well.

Then the third point is as to direct and indirect election. I wish Lord Peel were here to find me in substantial agreement with him so far as the principle of indirect election is concerned. I do not know, I am talking simply as a layman, but the words 'indirect election' do not frighten me. I do not know, if they have any technical meaning, if they have, I am wholly unaware of it. I am, personally, going to say what I mean. If that is also called 'indirect election' I would certainly go round and plead for it, and

probably get a large body of public opinion in favour of that method of election I am wedded to adult suffrage. Somehow or other Congressmen swear by it Adult suffrage is necessary for more reasons than one, and one of the decisive reasons to me is that it enables me to satisfy all the reasonable aspirations, not only of the Mussalmans, but also of the so-called untouchables, of Christians, of labourers and all kinds of classes

I cannot possibly bear the idea that a man who has got wealth should have the vote but that a man who has got character but no wealth or literacy should have no vote, or that a man who works honestly by the sweat of his brow, day in and day out, should not have the vote, for the crime of being a poor man It is an unbearable thing, and having lived and mixed with the poorest of the villagers and having prided myself on being considered an untouchable, I know that some of the finest specimens of humanity are to be found amongst these poorer people, amongst the very untouchables themselves. I would far rather forego the right of voting myself, than that this untouchable brother should not have the vote

I am not enamoured of the doctrine of literacy, that a voter must at least have a knowledge of the three R's

**Doctrine of Literacy** I want for my people a knowledge of the three R's but I know also that if I have to wait until they have got a knowledge of the three R's before they can be qualified for voting, I shall have to wait until the Greek Kalends, and I am not prepared to wait all that time. I know millions of these men are quite capable of voting, but if we are going to give them the vote it will become very difficult, if not absolutely impossible, to bring them all on the voters' list and have manageable constituencies.



I do share Lord Peel's fear that if we have unwieldy constituencies it is not possible for the candidate to come in personal touch with all the multitude of people or to keep touch with them from time to time and to take their opinion and so on. Although I have never aspired to legislative honours I have had something to do with these electorates and I know how difficult it has been. I also know the experiences of those who have been members of these legislative bodies.

We, in the Congress, therefore, have evolved a scheme, and though the Government of the day have accused us of insolently setting up a parallel Government, I would like to subscribe to that charge in my own fashion.

The Congress  
Scheme.

Though we have not set up any parallel Government, we certainly aspire some day or other to displace the existing Government, and in due course, in the course of evolution, to take charge also of that Government.

Having been for the last fourteen years a draftsman of the Indian National Congress, and having been for nearly twenty years draftsman for a similar body in South Africa, you will allow me to share my experience with you. In the Congress constitution we have practically adult suffrage. We impose a nominal fee of 2 annas a year. I would not mind imposing that fee even here. I again share Lord Peel's fear that in our poor country we run the risk of having to spend a lot of money merely upon managing our elections. I would avoid that, and, therefore, I would even collect this money. I am open to conviction that even 2 annas would be a grave burden, in which case I would waive it; but in any case in the Congress organisation we have that.

We have also another distinguishing feature. So far

as I know the working of voting systems, the registration officer has put on the voters' list all those whom he considers are entitled to the vote, and hence whether a man wishes to vote or not, whether he wants his name to come on the list or not, he finds his name there. On one fine morning I found my name on the voters' list in Durban in Natal. I had no intention of affecting the legislative position there and I never cared to place my name on the roll of voters, but when some candidate wanted my vote for himself he drew my attention to the fact that I was on the voters' list, and since then I have known that that is how voters' lists are prepared.

We have this alternative, that he who wants to vote can have the vote. It is, therefore, open to those who want to vote to do so, and subject to the condition regarding age and any other condition which may be applicable to all, it will be open to many millions to have their names without distinction of sex on the voters' list. I think a scheme of that character would keep the voters' list in a manageable compass.

Even so we would have millions, and something is needed to link the village with the Central legislature.

#### Electoral Organisation

We have something analogous to the Central Legislature in the Indian Congress Committee. We have also provincial bodies analogous to the provincial legislatures, and we have also our own tin-pot legislation and we have also our administration. We have got our own Executive. It is perfectly true we have no bayonets to back it, but we have something infinitely superior to back our decisions and to get our people to conform to those decisions, and we have hitherto not found insurmountable difficulties. I do not say that we have been able always to exact

obedience fully in all circumstances, but we have been able to scrape through all these 47 years and year after year this Congress has grown from height to height

Let me tell you that our provincial councils have got full authority to frame bye-laws in order to govern their elections. The corner stone, namely, the qualifications for voters, they cannot change at all, but all other things they can have in their own way

Therefore, I will take only one province where this thing is done. The villages elect their own little committees. These committees elect the taluka committees (taluka is a sub-district), and those taluka committees again elect the district councils and the district councils elect provincial councils. The provincial councils send their members to the Central Legislature, if I may so dub this All-India Congress Committee. That is how we have been able to do it. Whether in this scheme we may do this or some other such thing, I do not mind, but I have certainly visualised that we have 700,000 villages. I believe that the 700,000 include the villages in Princes' India also, I don't object to correction and I will humbly say that we have 500,000 or a little more in popular India. We would have these 500,000 units. Each unit will elect its own representative, and these representatives will be the electorate that would elect, if you will, representatives to the Central or the Federal Legislature. I have simply given you an outline of the scheme. It can be filled in if it commends itself to your attention. If we are going to hold a general election I am afraid that we shall have to look upon a scheme somewhat after the style that I have sketched to you. Whatever it has been working, I think, since we have some evidence, that it has worked with excellent results and there has been no difficulty in estab-

lishing contact through these respective representatives with the humblest villager. The machinery has worked smoothly, and where people have worked it honestly, it has worked expeditiously, and certainly without any expense worth naming. Under this scheme I cannot conceive the possibility of a candidate having to spend Rs. 60,000 over an election, or even one lakh. I know of some cases in which the expenses have run to one lakh of rupees—in my opinion an atrocious figure for the poorest country in the world.

Whilst I am upon this, I would like to give you my opinion, for what it may be worth, in connexion with bicameral legislatures. I find myself, if it would not offend your susceptibilities, in Mr. Joshi's company. I am certainly not enamoured of and I do not swear by two legislatures. I have no fear of a popular legislature running away with itself and hastily passing some laws of which afterwards it will have to repent. I would not like to give a bad name to it and then hang the popular legislature. I think that a popular legislature can take care of itself, and, since I am now thinking of the poorest country in the world, the less expenses we have to bear the better it is for us. I do not, for one moment, endorse the idea that unless we have an Upper Chamber to exercise some control over the popular chamber the popular chamber will ruin the country. I have no such fear, but I can visualise a state of affairs when there can be a battle royal between the popular chamber and the Upper Chamber. Any way, whilst I would not take up a decisive attitude in connexion with it, personally I am firmly of opinion that we can do with one Chamber only and that we can do with it to

Bicameral Legisla-  
ture

great advantage. We will certainly save a great deal of expense if we can bring ourselves to believe that we shall do with one Chamber. I find myself in agreement wholeheartedly with Lord Peel that we need not worry ourselves about precedents. We shall set a new precedent ourselves. After all we are a continent. There is no such thing as absolute similarity between any two human living institutions. We have our own peculiar circumstances, and we have our idiosyncrasies. I do feel that we shall have in many ways to strike out a new path for ourselves irrespective of precedents. Therefore, I feel that we would not go wrong if we tried the method of having one Chamber only. Make it as perfect as human ingenuity can by all means, but be satisfied with only one Chamber. Holding these views I do not need to say more about sub-heads (iii) and (iv).

I come to sub-head (v), representation by special constituencies of special interests. I here speak for the

Special Constitu-  
cies.

Congress. The Congress has reconciled itself to special treatment of the Hindu-Muslim-Sikh tangle.

There are sound historical reasons for it, but the Congress will not extend that doctrine in any shape or form. I listened to the list of special interests. So far as the untouchables are concerned, I have not yet quite grasped what Dr. Ambedkar has to say, but of course the Congress will share the onus with Dr. Ambedkar of representing the interests of the untouchables. The interests of the untouchables are as dear to the Congress as the interests of any other body or of any other individual throughout the length and breadth of India. Therefore, I would most strongly resist any further special representation. Under adult suffrage certainly labour units and so on, do not

require any special representation, landlords most decidedly no, and I will give you my reason. There is no desire on the part of the Congress and there is no desire on the part of these dumb paupers, to dispossess landlords of their possessions, but they would have landlords to act as trustees for their tenants. I think that it should be a matter of pride for the landlords to feel that their ryots, the millions of villagers, would prefer them as their candidates and their representatives than others coming from other parts or someone from among themselves.

Therefore, what will happen is that the landlords will have to make common cause with the ryots, and what can be nobler, what can be better than they should do so? But if the landlords insisted on special treatment and special representation in either Chamber, if there are two Chambers or in the one popular Chamber, I am afraid that it would be really throwing the apple of discord into our midst, and I am hoping that no such claim will be put forward on behalf of the landlords or any such interest.

Then I come to my friends the Europeans, whom naturally Mr Gavin Jones claims to represent. I would suggest to him humbly that hitherto they have been the privileged class, they have received the protection that this foreign Government could give, and they have received it liberally. If they would now make common cause with the masses of India they need not be afraid, as Mr Gavin Jones said he was afraid, and he read from some document I have not read it. It may be that some Indians also may say, 'oh, yes, if Europeans, Englishmen, want to be elected by us, we are not going to elect them,' but I would undertake to take Mr Gavin Jones throughout the length and breadth of India and show to him that he will be preferred to an Indian if he will make common

cause with us. Take Charlie Andrews. I assure you that he will be elected a delegate in any constituency in India without the slightest difficulty. Ask him whether he has not been received throughout the length and breadth of India with open arms. I could multiply the instance. I appeal to the Europeans to try once to live on the goodwill of the people and not seek to have their interests specially safe-guarded or protected. If I might venture a suggestion, that would be the wrong way to go about the business. If they will again live in India as one of us, that is how I would want them to live, I would beseech them to live. In any case, I do feel that in any scheme that the Congress can be party to there is no room for the protection of special interests. The special interests are automatically protected when you have got adult suffrage.

So far as the Christians are concerned, if I may cite the testimony of one who is no longer with us, I know that he said, 'we want no special protection', and I have letters from Christian organisations saying that they wanted no special protection, that the special protection that they would get would be by right of humble service.

Are there any special qualifications to be laid down for eligibility for membership of the Upper House? As to my own opinion about the Upper House, I do not need to give an opinion about that.

Now I come to a very delicate point—that is, the Oath of Allegiance. I would not be able to give any opinion

Oath of Allegiance just now, because I want to know what is it to be. If it is to be complete freedom, if it is to be complete independence for India, the Oath of Allegiance naturally will be of one character. If it is to be subject India, then I have no

place there. Therefore, it is not possible for me to-day to give any opinion upon the question of the Oath of Allegiance.

Then the last question. What provision, if any, shall be made in each Chamber for nominated members? Well,

**Nominated Members** in the scheme that the Congressmen have adumbrated there is no room

for nominated members. I can understand experts coming, or men whose advice might be sought. They would give their advice and they would retire. I cannot see the slightest justification for clothing them with votes. Votes are given only by popular representatives, if we want to have a democratic institution undiluted. Therefore, I cannot possibly endorse a scheme where there are nominated members, but that brings me back to sub-head (v). Supposing I had that in mind—because we have that in the Congress also—we want women to be elected, we want Europeans to be elected, we certainly want untouchables to be elected, we want Christians to be elected, and I know well enough that these are very large minorities, but still these are minorities, and supposing that constituencies so misbehave themselves as not to elect women or Europeans or untouchables or, say, landlords, and they do not do so for no reasonable justification whatsoever, I would have, then, a clause in the constitution which would enable this elected legislature to elect or nominate them, but I think it would be an election—to elect those who should have been elected but have not been elected. Perhaps I have not been able to express my meaning clearly, so I will give you an illustration. We have in one Provincial Congress Council exactly a rule of this character. We have thrown the burden upon the constituencies of electing so many women, so many Mussalmans, so many untouchables to the Council,



out if they fail to do so, the election is then conducted by the elected body, not from among themselves, but from women who might have been candidates or untouchables who might have been candidates or Mussalmans who might have been candidates and thus they will complete the quota. That is what we do. I would not mind, on the contrary, I could welcome, some such saving clause in order that constituencies may not misbehave themselves, but in the first instance I would trust the constituencies to elect all classes of people and not become clannish or be caste-ridden. The Congress mentality, I may assure you, is wholly and absolutely against caste and against the doctrine of superiority and inferiority. Congress is cultivating a spirit of absolute equality.

I am sorry for having taken so much of your time, but I am thankful to you for having given me this opportunity, Lord Sankar.

### THE SUPREME COURT.

*Speaking at the Federal Structure Sub-Committee Meeting Mahatma Gandhi said —*

Lord Chancellor and fellow Delegates, I feel considerable hesitation in speaking on this subject which has been rendered so highly technical by the A Technical Subject. course that the discussion has taken now. I feel that I owe a duty to you and a duty to the Congress which I represent. I know that the Congress holds some decided views on the question of the Federal Court, nevertheless I am afraid, may be very distasteful to a large number of the Delegates here. Whatever they are saying that they are held by a responsible body, it is, I say now, necessary that I should at least present them to you.



KINGSLEY HALL  
Mahatma Gandhi's residence in London  
Miss Muriel Lester, Gandhi's host  
is seen sitting (Page 84)



I see that the discussions proceed, if not upon utter distrust, upon considerable distrust of ourselves. It is assumed that the National Government will not be able to conduct its affairs in an impartial manner. The communal tangle also is colouring the discussion. The Congress, on the other hand, bases the whole of its policy on trust and on the confidence that when we shall have come into power we shall also come to a sense of our responsibility, and all the communal bias will drop out. But should it prove otherwise, then too the Congress would run the boldest risks, because without running risks we shall not be able to come to exercise real responsibility. So long as we have the mental reservation that we have to rest upon some foreign power for our guidance and for conducting our affairs at a critical juncture, so long, in my opinion, there is no responsibility.

One feels also embarrassed by the fact that we really are trying to discuss this thing without knowing where

we shall be. I should give one opinion if Defence was not under the control of the responsible government, and another opinion if Defence was under our own control. I proceed upon the assumption that if we are to enjoy responsibility in the real sense of the term Defence will be under our control, under national control in every sense of the term. I entirely sympathise with Dr Ambedkar in the difficulty that he raised. It is all very well to have a judgment of the highest tribunal, but if the writ of that tribunal does not run beyond the confines of its own Court, that tribunal will be a laughing-stock of the nation and of the whole world. What is then to be done in connexion with that writ? What Mr Jinnah said, of course, came home—that the military would be there, but it will be the Crown

that will run the writ. Then, I would say, let the High Court also, or the Federal Court, be under the Crown. In my opinion, the Supreme Court has to be, if we are responsible, under the responsible Government, and therefore, the process of carrying out the writ has also to be made good by the responsible Government. Personally, I do not share the fears that actuate Dr. Ambedkar, but I think that his objection is a very reasonable objection, and that a Court which gives judgments should also have perfect confidence that its judgments will be respected by those who are affected by its judgment, and hence, I would suggest that the judges should have the power of framing rules in order to regulate matters in connexion with those judgments. Naturally the enforcement will not rest with the Court, the enforcement will rest with the executive authority, but the executive authority would have to conform to the rules that might be framed by the Court.

We fancy that this constitution is going to give us every detail in connexion with the composition of this Court. I respectfully differ from that view in its entirety. I think that this constitution will give us the framework of the Federal Court, will define the jurisdiction of the Federal Court, but the rest will be left to the Federal Government to evolve. I cannot possibly understand that the constitution is also going to tell us how many years the judges are to serve, or whether they are to resign or retire at the age of 70, or 75, or 80, or 65, I think that these will be matters to be taken up by the Federal Government. Of course, we bring in the Crown at the end of almost every sentence. I must confess that, according to the conception of the Congress, there is no question of the Crown. India is to enjoy complete independence, and if India enjoys complete

independence, whoever may be the supreme authority there, that supreme authority will be responsible for the appointment of judges and several other matters which to-day belong to the Crown

It is a fundamental belief with the Congress that, whatever course the constitution takes, there should be our own Privy Council in India. The Privy Council's portals, if it is really to give relief to the poor people in matters of the highest importance, should be open to the poorest people in the land and I think that is impossible if the Privy Council in England is to decide our fate in matters of the greatest importance. There, too, I would guide ourselves by implicit trust in the ability of our judges to pronounce wise and absolutely impartial decisions. I know that we run very great risks. The Privy Council here is an ancient institution, and an institution which justly commands very great regard and respect, but in spite of all the respect that I have for the Privy Council I cannot bring myself to believe that we also will not be able to have a Privy Council of our own which will command universal esteem. Because England can boast of very fine institutions, I do not think that therefore we must be tied down to those institutions. If we learn anything whatsoever from England, we should learn to erect those institutions ourselves, otherwise there is a poor chance for this nation whose representatives we claim to be. Therefore, I would ask us all to have sufficient trust and confidence in ourselves at the present moment.

Our beginning may be very small, but, if we have strong, true and honest hearts to give decisions it does not matter in the slightest degree that we have not got the legal traditions which the judges in England claim.

That being my view, I feel that this Federal Court

should be a Court of the widest jurisdiction possible, and not decide only cases that arise from the administration of Federal Laws. Federal Laws of course will be there, but it should have the amplest jurisdiction to try all the cases that may come from the four corners of India

It is, then, a question where the subjects of the Princes will be and where they will come in. Subject to what the Princes may have to say, I would suggest, with the greatest deference and with equal hesitation, that there will be, I hope at the end of it, if we are going to make something out of this Conference, something which will be common to all India, to all the inhabitants of India, whether they come from the States or whether they come from the rest of India. If there is something in common between all of us, naturally the Supreme Court will be the guardian of the rights that we may consider to be common to all. What those rights should be I am totally unable to say. It is entirely for the Princes to say what they can be and what they cannot be. In view of the fact that they represent here not only their own Houses but have taken on themselves the tremendous responsibility of representing their subjects also at this Conference, I would certainly make a humble but fervent appeal to them that they would of their own accord come forth with some scheme whereby their subjects also may feel that though they are not directly represented at this table their voices find adequate expression through these noble Princes themselves.

So far as the salary is concerned, you will laugh, naturally, but the Congress believes that it is an impossible thing for us, who, in terms of wealth, are a nation of dwarfs, to vie with the British Government, which represent today giants in

wealth India, whose average income is 3d per day, can ill afford to pay the high salaries that are commanded here. I feel that it is a thing which we will have to unlearn if we are going to have voluntary rule in India. It is all very well so long as the British bayonet is there to squeeze out of these poor people taxes to pay these salaries of Rs 10,000 a month, Rs 5,000 a month, and Rs 20,000 a month. I do not consider that my country has sunk so low that it will not be able to produce sufficient men who will live somewhat in correspondence with the lives of the millions and still serve India nobly, truly and well. I do not believe for one moment that legal talent has to be bought if it is to remain honest.

I recall the names of Motilal Nehru, C. R. Das, Manomohan Ghose, Badrudin Tyabji and a host of others, who gave their legal talent absolutely free of charge and served their country faithfully and well. The taunt may be flung in my face that they did so because they were able to charge princely fees in their own professional work. I reject that argument, for the simple reason that I have known everyone of them with the exception of Manomohan Ghose. It was not that they had plenty of money and therefore gave freely of their talent when India required it. I have seen them living the life of poor people and in perfect contentment. Whatever may be the position at the present moment, I can point out to you several lawyers of distinction who, if they had not come to the national cause, would to-day be occupying seats of the High Court benches in all parts of India. I have, therefore, absolute confidence that when we come to frame our own rules and so on we will do so in a patriotic spirit and taking account of the miserable state that the millions of India occupy.

One word more and I have finished. Seeing that the



Congress holds the view that this Federal Court or Supreme Court—whichever you call it—will occupy the position of the highest tribunal beyond which no man, who is an inhabitant of India, can go, its jurisdiction, in my opinion, will be limitless. It will have jurisdiction, so far as Federal matters are concerned, to the extent that the Princes are also willing, but I cannot possibly imagine that we shall have two Supreme Courts, one in order to deal with merely Federal laws and another to deal with all the other matters that are not covered by the Federal administration or the Federal Government.

As things go, the Federal Government may concern itself with the minimum of subjects, and therefore matters of the highest moment will be extra-Federal. Who is to adjudicate upon these extra-Federal matters if not this very Supreme Court? Therefore this Supreme Court or Federal Court will exercise double jurisdiction, if necessary treble jurisdiction. The greater the power that we give to this Federal Court, I think, the greater the confidence we shall be able to inspire in the world and also in the nation itself.

I am sorry to have taken up these precious minutes of the time of the Conference, but I felt that, in spite of my great reluctance to speak to you on this question of a Federal Court, I must give you the views that many of us in the Congress have been holding for a long time and which, we would, if we could, spread throughout the length and breadth of India. I know the terrible handicap under which I am labouring. All the most distinguished lawyers are arrayed against me, the Princes also are probably arrayed against me so far as the salaries and jurisdiction of this Court are concerned. But I would be guilty of neglect of duty to the Congress and to you

if I did not give you the views that the Congress and I hold so strongly on the matter of the Federal Court

### COMMUNAL SETTLEMENT.

*Following is Gandhi's speech at the last meeting of the Minorities Sub-Committee —*

Prime Minister, and fellow Delegates, it is not without very considerable hesitation and shame that I take part in the discussion on the Minorities Question minorities question I have not been able to read with the care and attention that it deserves, the memorandum sent to the delegates on behalf of certain minorities and received this morning Before I offer a few remarks on that memorandum, with your permission and with all deference and respect that are your due, I would express my dissent from the view that you put before this committee, that the inability to solve the communal question was hampering the progress of constitution-building, and that it was an indispensable condition prior to the building of any such constitution I expressed at an early stage of the sittings of this committee that I did not share that view The experience that I have since gained has confirmed me in that view and, if you will pardon me for saying so, it was because of the emphasis that was laid last year and repeated this year upon this difficulty, that the different communities were encouraged to press with all the vehemence at their command their own respective views It would have been against human nature if they had done otherwise All of them thought that this was the time to press forward their claims for all they were worth and I venture to suggest again that this very emphasis has defeated the purpose which I have no doubt it had in view Having received that encouragement, we have failed to arrive at an agree-

ment I, therefore, associate myself entirely with the view expressed by Sir Chimanlal Setalvad, that it is not this question which is the fulcrum, it is not this question which is the central fact but the central fact is the constitution-building

I am quite certain that you did not convene this Round Table Conference and bring us all 6,000 miles away from homes and occupations to settle the communal question, but you convened us, you made deliberate declarations that we were invited to come here, to share the process of constitution-building, and that, before we went away from your hospitable shores, we shall have the certain conviction that we had built up an honourable and a respectable framework for the freedom of India, and that it awaited only the *imprimatur* or the approval of the House of Commons and the House of Lords

Now, at the present moment, we are face to face with a wholly different situation, namely, that, because there is no communal settlement agreed to buy us, there is to be no building of the constitution, and that, as the last resort and as the last touch, you will announce the policy of His Majesty's Government in connexion with the constitution and all the matters that may arise from it I cannot help feeling that it would be a sorry ending to a Conference which was brought into being with so much trumpeting and with so much hope excited in the minds and in the breasts of many people

Coming to this document,\* I accept the thanks, that

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\* The so-called agreed scheme between the smaller minorities and the Muslims. Sir H. Carr in his speech sarcastically thanked Gandhiji's failure to bring about a solution of the minorities question which, he said, had resulted in bringing the minorities together.

have been given to me by Sir Hubert Carr. Had it not been for the remarks that I made when I shouldered that burden, and had it not been for my utter failure to bring about a solution, Sir Hubert Carr rightly says he would not have found the very admirable solution that he has been able, in common with the other minorities, to present to this committee for consideration and finally for the consideration and approval of His Majesty's Government.

I will not deprive Sir Hubert Carr and his associates of the feeling of satisfaction that evidently actuates them but, in my opinion, what they have done is to sit by the carcase, and they have performed the laudable feat of dissecting that carcase.

As representing the 'predominant political organisation in India, I have no hesitation in saying to His Majesty's Government, to those friends who seek to represent the minorities mentioned against their names, and indeed to the whole world, that this scheme is, not one designed to achieve responsible Government, but is, undoubtedly, a scheme designed to share power with the bureaucracy.

If that is the intention—and it is the intention running through the whole of that document—I wish them well, and Congress is entirely out of it. The Congress will wander, no matter how many years, in the wilderness rather than lend itself to a proposal under which the hardy tree of freedom and responsible Government can never grow.

I am astonished that Sir Hubert Carr should tell us that they have evolved a scheme which, being designed only for a temporary period, would not damage the cause of nationalism, but at the end of ten years we would all find ourselves hugging one another and throwing ourselves

into one another's laps. My political experience teaches me a wholly different lesson. If this responsible government, whenever it comes, is to be inaugurated under happy auspices, it should not undergo the process of vivisection to which this scheme subjects it, it is a strain which no national Government can possibly bear.

There is the coping stone to this structure, and I am surprised, Mr Prime Minister, that you allowed yourself to mention this as if it were an indisputable fact, namely that the proposals may be taken as being acceptable to well over 115 millions of people, or about 46 per cent of the population of India. You had a striking demonstration of the inaccuracy of this figure. You have had on behalf of the women, a complete repudiation of special representation, and as they happen to be one-half of the population of India, this 46 per cent is somewhat reduced—(laughter). But not only that—the Congress may be a very insignificant organisation, but I have not hesitated to make the claim, and I am not ashamed to repeat the claim, the Congress claims to represent 85 per cent or 95 per cent of the population not merely of British India but of the whole of India.

Subject to all the questions that may be raised, I repeat the claim with all the emphasis at my command that the Congress, by right of service, claims to represent that population which is called the agricultural population of India, and I would accept the challenge, if the Government were to issue the challenge, that we should have a referendum in India and you would immediately find whether the Congress represents them or whether it does not represent them. But I go a step further. At the present moment, if you were to examine the records of the prisons of India, you would find that the Congress

represented there and represents on its register very large number of Musalmans. Several thousand Musalmans went to gaol last year under the banner of the Congress. The Congress to-day has several thousand Musalmans on its register. The Congress has thousands of untouchables on its register. The Congress has Indian Christians also on its register. I do not know that there is a single community which is not represented on the Congress register. With all deference to the Nawab Sahib of Chhatari, even landlords and even mill-owners and millionaires are represented there, I admit that they are coming to the Congress slowly, cautiously, but the Congress is trying to serve them also. The Congress undoubtedly represents labour. Therefore, this claim that the proposals set forth in this memorandum are acceptable to well over 115,000,000 of people needs to be taken with a very great deal of reservation and caution.

One word more and I shall have done. You have had presented to you and circulated to the members, I hope, the Congress proposals\* in connexion with the communal problem. I venture to submit that of all the schemes that I have seen it is the most workable scheme but I may be in error there. I admit that it has not commended itself to the representatives of the communities at this table, but it has commended itself to the representatives of these very classes in India. It is not the creation of one brain, but it is the creation of a committee on which various important parties were represented. Therefore, you have got on behalf of the Congress that scheme, but the Congress has also suggested that there should be an impartial arbitration. Through arbitration all over the world people have adjusted their differences and the Congress is always open to accept any decision of an arbitration.

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\* See Appendix

court I have myself ventured to suggest that there might be appointed by the Government a judicial tribunal which would examine this case and give its decision. But, if none of these things are acceptable to any of us, and if this is the *sine qua non* of any constitution-building, then, I say, it will be much better for us that we should remain without so-called responsible Government than that we should accept this claim.

I would like to repeat what I have said before, that, while the Congress will always accept any solution that may be acceptable to the Hindus, the Musalmans and the Sikhs, Congress will be no party to special reservation or special electorates for any other minorities. The Congress will always endorse clauses or reservations as to fundamental rights and civil liberty. It will be open to everybody to be placed on the voters' roll and to appeal to the common body of the electorates. In my humble opinion, the proposition enunciated by Sir Hubert Carr is the very negation of responsible Government, the very negation of nationalism. He says that if you want a live European representative on the Legislature then he must be elected by the Europeans themselves. Well, Heaven help India if India has to have representatives elected by these several special cut up groups. That European, and that European only, who commands the approval of the common electorate and not that of the mere Europeans will serve India as a whole. This very idea suggests that the responsible Government will always have to contend against these interests which will always be in conflict against the national spirit—against this body of 85 per cent of agricultural population. To me, it is an unthinkable thing. If we are going to bring into being Responsible Government and if we are going to get real

freedom, then, I venture to suggest, that it should be the proud privilege and the duty of every one of these so-called special classes to seek entry into the Legislatures through this open front door, through the election and approval of the common body of electorates. You know that Congress is wedded to adult suffrage, and under adult suffrage it will be open to all to be placed on the voters' list. More than that nobody can ask.

One word more as to the so-called untouchables. I can understand the claims advanced by other minorities,

but the claims advanced on behalf of the untouchables, is to me the "unkindest cut of all". It means the perpetual bar-sinister. I would not sell the vital interests of the untouchables even for the sake of winning the freedom of India. I claim myself, in my own person, to represent the vast mass of the untouchables. Here I speak not merely on behalf of the Congress, but I speak on my own behalf, and I claim that I would get, if there was a referendum of the untouchables, their vote, and that I would top the poll. And I would work from one end of India to the other to tell the untouchables that separate electorates and separate reservation is not the way to remove this bar-sinister, which is the shame, not of them, but of orthodox Hinduism. Let this committee and let the whole world know that to-day there is a body of Hindu reformers who are pledged to remove this blot of untouchability. We do not want on our register and on our census untouchables classified as a separate class. Sikhs may remain as such in perpetuity, so may Moslems, so may Europeans. Will untouchables remain untouchables in perpetuity? I would far rather that Hinduism died than that untouchability lived. Therefore, with all



my regard for Dr Ambedkar, and for his desire to see the untouchables uplifted, with all my regard for his ability I must say, in all humility, that here is a great wrong under which he has laboured and, perhaps, the bitter experiences he has undergone have for the moment warped his judgment. It hurts me to have to say this but I would be untrue to the cause of untouchables, which is as dear to me as life itself, if I did not say it. I will not bargain away their rights for the kingdom of the whole world. I am speaking with a due sense of responsibility when I say it is not a proper claim which is registered by Dr. Ambedkar when he seeks to speak for the whole of untouchables in India. It will create a division in Hinduism which I cannot possibly look forward to with any satisfaction whatsoever. I do not mind the untouchables being converted into Islam or Christianity. I should tolerate that but I cannot possibly tolerate what is in store for Hinduism if there are these two divisions set forth in the villages. Those who speak of political rights of untouchables do not know India and do not know how Indian society is to-day constructed. Therefore, I want to say with all the emphasis that I can command that if I was the only person to resist this thing I will resist it with my life.

### ARMY AND DEFENCE.

*Speaking at the Federal Structure Sub-Committee meeting "Islahia Gardi" said —*

Lord Chancellor and fellow Delegates, I know that a tremendous responsibility rests upon my shoulders in Army and Defence. having to give the Congress view on this most important question. I have intervened at this stage because I am in one of these

November fogs I do not know whether there will, or will not be a Report upon this discussion I do not know also whether we are going summarily to close these deliberations or whether they are to be extended So far as I am concerned, I came here with the intention, if necessary, of wintering in England Therefore, time is of no consequence, if, perchance, the purpose of the Congress can be obtained through friendly negotiation and consultation I have been sent here with the deliberate intention of exploring every possible avenue to achieve an honourable settlement, whether by open discussion at this table or by private conferences with Ministers and public men who influence public opinion here, and with all those who are interested in questions vitally affecting India I am under obligation not to leave a single stone unturned in order to arrive at a settlement, if only because Congress is wedded to a policy which is known to you all Congress is intent upon reaching its goal at the earliest possible moment, and holds also very decided views upon all these matters What is more to the purpose, it is to-day, one considers itself to-day, capable of shouldering all the responsibilities that flow from responsible self-government That being the case, I thought that I could not possibly allow the discussion on this most important matter to close without placing, as humbly as I could, and as briefly as I could, the Congress view on the question

As you all are aware, the Congress case is that there should be complete responsibility transferred to India

Essence of Responsibility.

That means, and it has been so stated expressly in the Congress resolution, that there should be complete control over Defence and over External Affairs

But it also contemplates adjustments. I feel that we ought not to deceive ourselves, and deceive the world, into thinking that we would be getting responsible government although we may not ask for responsibility in this vital matter. I think that a nation that has no control over her own Defence Forces and over her External Affairs, is hardly a responsible nation. If a nation's Defence is controlled by an outside agency, no matter how friendly it is, then that nation is certainly not responsibly governed. This is what our English teachers have taught us times without number, and therefore, some Englishmen twitted me also when they heard the talk that we would have responsible government but we would not have or would not claim control over our own Defence Forces. I am here very respectfully to claim, on behalf of the Congress, complete control over the Army, over the Defence Forces and over External Affairs. I put in External Affairs also so as to avoid having to speak on it when Sir Tej Bahadur Sapru speaks on that subject. To this conclusion we have come with the greatest deliberation. If we do not get this control at the time of embarking upon responsibility because we are not deemed fit for it, I cannot conceive a time when, because we are enjoying responsibility in other matters, we would be suddenly found fit to control our own Defence Forces.

I would like this committee, for just a few brief moments, to understand what this Army at the present moment means. This Army, in my opinion, whether it is Indian or whether it is British, is really an Army of Occupation. It does not matter to us that they are Sikhs, or that they are Gurkhas or that they are Pathans or that they are men from Madras or that they are Rajputs, no matter who





they are, they are foreigners to me whilst they are in that Army, controlled by an alien government I cannot speak to them. Soldiers have come to me stealthily, and have been afraid even of speaking to me, because they felt that they might be reported. It is not possible for us ordinarily to go to the places where the soldiers are kept. They are also taught not to regard us as their countrymen. Unlike any other country in the world, there is absolutely no intercourse between them and the ordinary civil population. This I give as my evidence before this Committee as a man who has endeavoured to come into touch in all parts of Indian life with all those with whom it was possible to do so, and this is not only my personal experience but it is the experience of hundreds and thousands of Congressmen that there is an absolute wall between them and us.

I am quite aware that, therefore, it is a tremendous thing for us at once to shoulder that responsibility and to have control of this Army, even excluding the British soldiers. This is the unfortunate, unhappy position created for us, I am sorry to have to say, by our rulers. But even so, we must take up the responsibility.

Then there is the British section of the Army. What is the purpose of the British Army? Every Indian child knows that the British Army is there, along with the Indian Army, for the defence of British interests, not alone for avoiding or resisting foreign aggression. I am sorry to have to make these remarks, but that is precisely what I have learned and have experienced, and it would be unjust even to my British friends if I did not give expression to the truth as I have seen it and as I hold it. Thirdly, it is an Army intended to suppress rebellion against British authority.

These, then, are the main functions of that Army,

and hence it does not surprise me that Englishmen should take the view they do. If I were an Englishman, and had also the ambition to rule another nation, I would do precisely the same thing. I would take hold of Indians and train them as soldiers, and I would train them to be loyal to me, so loyal that they would, at my command, shoot anybody I desired them to shoot. Who was it that shot people at Jallianwala Bagh, if it was not their own countrymen?

The existence of the British troops is also intended to serve the purpose of holding the balance between these different Indian soldiers evenly. It undoubtedly protects, as it must protect, the British officers, and it protects British lives. Again I do not make any complaint, if I should assume the premise that it was right for Great Britain to hold India to-day and to continue to hold India, no matter under what altered conditions.

That being so, I have no difficulty in answering the question which Sir Tej Bahadur Sapru would not face and which Pandit Madan Mohan Malaviya also would not face. Both of them said that, not being experts, they were not able to say to what extent this Army could be or should be reduced. I, however, have no such difficulty. I have no difficulty in saying what should happen to this Army. I would say emphatically that before I could possibly shoulder the burden of running the government of India under the terrible handicaps under which we are labouring as a legacy of alien rule, the whole of this Army should be disbanded if it does not pass under my control.

This being my fundamental position, I would say that you, British Ministers and British people, really wish well to India, if you will transfer power now to us, then,

regard this as a vital condition that the army should pass under our control in its entirety

But, then, I have told you that I know the risk that is attendant upon it The Army will not accept my

command I know that very well  
**Gandhiji's Dream**

I know that the British Commander-in-Chief will not accept my command, nor would the Sikhs, nor the proud Rajputs,—none of them would willingly accept my command But even so, I expect to exercise that command, with the good-will of the British people They will be there at the time of transferring the command to teach a new lesson to these very soldiers, and to tell them that they are after all serving their own countrymen if they do so British troops may also be told, "now you shall remain here not to protect British interests and British lives, but to protect India against foreign aggression, even against internal insurrection, as if you were defending and serving your own countrymen" That is my dream I know that I shall not realise that dream here That is what I feel The evidence that is before me, the evidence of my senses, tells me that I am not going to realise that dream to-day and here, as a result of the deliberations of this conference But, I should still cherish that dream It is the dream I should like to cherish up to the end of my time Seeing the atmosphere here, I know that I cannot infect British statesmen or the British public with the idea or with the ideal that this could be also their cherished mission But that is how I would interpret the Prime Minister's declaration, that is how I would interpret Lord Irwin's wishes It should be the proud privilege and the proud duty of Great Britain now to initiate us in the mysteries of conducting our own defence Having clipped our wings, it is their duty to give us wings wherewith we can fly, even



as they fly That is really my ambition, and, therefore, I say, I would wait till eternity if I cannot get control of defence I refuse to deceive myself that I am going to embark upon Responsible Government although I cannot control my Defence

After all, India is not a nation which has never known how to defend herself There is all the Musalmans, standing in no dread of foreign invasion The Sikhs will refuse to think that they can be conquered by anybody The Gurkha, immediately he develops the national mind, will say "Alone, I can defend India" Then there are the Rajputs who are supposed to be responsible for a thousand Thermopylae That is what the Englishman, Colonel Tod, has told us Colonel Tod has taught us to believe that every pass in Rajputana is a Thermopylae Do these people stand in need of learning the arts of defence? I assume that, if I shoulder the burden of responsibility, all these people are going to join hands I am here writhing in agony to see that we have not yet come to terms on the communal question, but whenever the communal settlement comes, it must presuppose that we are going to trust each other Whether the rule is predominantly Musalman or Sikh or Hindu, they will not rule as Hindus or Musalmans or Sikhs, but they will rule as Indians If we have distrust of one another, then, we want British people there, if we do not want to be killed by one another But then let us not talk of responsible government

I, at least, cannot possibly think that we have got responsible government, without control of the Army I feel deep down at the bottom of my heart that if we are to have responsible government,—and the Congress

wants responsible government,—the Congress has faith in itself, in the masses of the people, and in all those brave military races, and what is more, the Congress has faith also in Englishmen some day doing their duty and transferring complete control to us,—we must infect the British with that love for India, which would enable her to stand on her own feet. If the British people think that we shall require a century before that can be done, then for that century the Congress will wander in the wilderness. The Congress must go through that terrible fiery ordeal, it must go through the storm of distress, of misrepresentation and—if it becomes necessary and if it is God's will—a shower of bullets. If this happens, it will be because we cannot trust one another and because Englishmen and Indians have different angles of vision.

That is my fundamental position. I do not want to go into it in detail. I have put this case as forcibly as

Partnership at Will I am capable of putting it. But if

this one thing is admitted, I am resourceful enough to submit and frame safeguard after safeguard which will commend themselves to any unbiassed mind, provided that it is common cause that those safeguards must be in the interests of India. But I want to go further and endorse what Lord Irwin said, that although the safeguards in the Pact are stated to be in the interests of India, they must be considered, as in the mutual interests of India and England. I do not conceive a single safeguard that will be only in the interests of India, not a single safeguard, that will not be also in the interests of Great Britain, provided that we contemplate a partnership, a partnership at will, and a partnership on absolutely equal terms.

The very reasons that I have given you today for

demanding complete control over the Army are also reasons

for pleading for and for demanding  
**Foreign Relations** control over our External Affairs

Not being well versed in what is really meant by External Affairs, and having to plead my ignorance of what is stated in those Reports of the Round Table Conference on the subject, I asked my friends, Mr Iyengar and Sir Tej Bahadur Sapru, to give me a first lesson in what is meant by External Affairs and Foreign Relations. I have got their reply before me. They state that the words mean relations with neighbouring powers, relations with Indian States, relations with other powers in international affairs, and relations with the Dominions. If these are External Affairs, I think we are quite capable of shouldering the burden and discharging our obligations in connexion with external affairs. We can undoubtedly negotiate terms of peace with our own kith and kin, with our own neighbours, with our own countrymen, the Indian princes. We can cultivate the friendliest relations with our neighbours, the Afghans, then across the seas with the Japanese, and certainly we can negotiate with the Dominions also. If the Dominions will not have our countrymen to live there in perfect self-respect, we can deal with them.

It may be that I am talking out of folly, but if you should understand that the Congress has thousands and tens of thousands of foolish men and women like me, and it is on behalf of these that I respectfully register this claim, again saying that with the safeguards we have conceived we shall literally fulfil our obligations.

Pandit Madan Mohan Malaviya had sketched the safeguards. With much of what he has said I entirely associate myself, but those are not the only safeguards. If Englishmen and Indians put their heads together,

sailing in the same direction with no mental reservation whatsoever, it is possible, I submit with every confidence, that we would bring into being safeguards which will be honourable alike to India and to England, and which would be a guarantee for the safety of every British life and the safety of every British interest to which India pledges her honour. Lord Chancellor, I cannot go further. I tender a thousand apologies for taking up the time of this meeting, but you can understand the feeling that is welling up in me sitting here day after day, and thinking of it day and night, how these deliberations can come to a successful issue. It is a feeling of absolute goodwill towards Englishmen, and feeling of absolute service to my countrymen.

### COMMERCIAL DISCRIMINATION.

*Following is the full text of Gandhi's speech at the Federal Structure Sub-Committee on Commercial Discrimination —*

Lord Chancellor and friends. I would like to tender my congratulations to Mr. Benthall on his very temperate statement. One sentiment expressed by him was practically that **European Claim** European or Britishers claimed what they are claiming because of their having conferred certain benefits on India. I wish that he could have omitted this opinion. But having expressed it there should have been no surprise expressed, as was expressed by Lord Reading, that there was a courteous retort from Sir Purshotramdas Thakurdas, and now, as we have heard, reinforced by Sir Phiroze Sethna. I wish also that he could have omitted the threat that has been used in that statement on behalf of the great corporation that he represents. He said that the European

support to the national demand was conditional upon Indian nationalists accepting the demands of the European community expressed by Mr Benthall, is also, not stated in this statement but we had it unfortunately a few days ago, the separatist tendency expressed in the demand for a separate electorate, and their joining that separatist combination about which it was my painful position to speak the other day. I have endeavoured to study the resolution passed at the last Conference. I want to read that resolution again, although you are familiar with it, because I shall want to say a few things in connexion with that resolution. 'At the instance of the British commercial community the principle was generally agreed that there should be no discrimination between the rights of the British commercial community, firms and companies trading in India and the rights of Indian born subjects.' The rest I need not read.

I am extremely sorry, in spite of the great regard and respect I entertain for Sir Tej Bahadur Sapru and Mr Jayakar, to have to dissent from this sweeping resolution. I was, therefore, delighted yesterday when Sir Tej Bahadur Sapru readily admitted that it was vague and that it was susceptible of improvement. You will see the general character of this resolution if you will carefully study it. There is to be no discrimination between the rights of the British mercantile community, firms and companies trading in India and the rights of Indian-born subjects. If I have interpreted this correctly, I think that it is a terrific thing, and I, for one, could not possibly commit the Congress to a resolution of this character, much less commit the future Government of India.

There is here no qualification whatsoever. The rights

of the British commercial community are to stand on exactly the same footing as those of Indian born subjects. Therefore it is not as if there is to be any racial discrimination, or anything of that kind, here the British commercial community enjoy absolutely the same rights as Indian-born subjects. I want to state, with all the emphasis that I can command, that I could not even endorse the formula that the rights of all Indian born subjects themselves could even be guaranteed or equal. I shall show you the reason presently.

I think that you will readily grant that the future Government of India would be constantly obliged to do what the existing Government has neglected to do, namely, continually to discriminate in favour of the famishing Indians against those who have been blest by nature or by the Government themselves with riches and other privileges. It will be necessary for the future Government, perhaps to provide quarters free for labour, and the monied men of India might say "if you provide quarters for them you should give corresponding grants to us, although we do not require quarters of that nature." But the State could not do so. It would undoubtedly be discrimination in favour of the poor people, and the monied men might then say, according to this formula, that it would be discrimination against them.

I, therefore, venture to suggest that this sweeping formula cannot possibly be accepted by us in the Conference when we are trying to assist His Majesty's Government—in so far as they will accept our assistance—in shaping the future constitution of India.

But having said this I want to associate myself completely with the British merchants and European houses

in their legitimate demand that there should be no racial discrimination I, who had to fight the great South African Government for over 20 years in order to resist their colour bar and their discriminating legislation directed against Indians as such, could be no party to discrimination of that character against the British friends who are at present in India, or who may in future seek entry I speak on behalf of the Congress also The Congress too holds the same view

Therefore, instead of this, I would suggest a formula somewhat on these lines, a formula for which I had the pleasure and privilege of fighting  
 An all-satisfying Formula. General Smuts for a number of years I would suggest, therefore, this formula It may be capable of improvement but I simply suggest this for the consideration of this Committee and especially for the consideration of European friends

*"No disqualification not suffered by Indian-born citizens of the State shall be imposed upon any persons lawfully residing in or entering India merely"*—I emphasise the word "merely"—*on the ground of race, colour or religion* I think that this is an all-satisfying formula No Government could possibly go beyond this I want to deal briefly with the implications of this and the implications of this are, I am sorry to say, different from the deductions that Lord Reading drew or sought to draw from last year's formula There would be no discrimination in this formula against a single Britisher, or for that matter, against a single European I propose here to draw no distinction whatever between Britishers or other Europeans or Americans or Japanese I would not copy the model of the British Colonies or the British Dominions which have, in my humble opinion, disfigured their Statute

Books by importing legislation essentially based upon distinctions of colour and race India free, I would love to think, would give a different kind of lesson and set a different kind of example to the whole world I would not wish India to live a life of complete isolation whereby it would live in water-tight compartments and allow nobody to enter her borders or to trade within her borders But, having said that, I have in my own mind many things that I would have to do in order to equalise conditions I am afraid that for years to come India would be engaged in passing legislation in order to raise the down-trodden, the fallen from the mire into which they have been sunk by the capitalists, by the landlords, by the so-called higher classes, and then, subsequently and scientifically, by the British rulers If we are to lift these people from the mire then it would be the bounden duty of the National Government of India, in order to set its house in order, continually to give preference to these people and even free them from the burdens under which they are being crushed And, if the landlords, zemindars, monied men and those who are to-day enjoying privileges—I do not care whether they are Europeans or Indians—if they find that they are discriminated against, I shall sympathise with them, but I will not be able to help them, even if I could possibly do so, because I would seek their assistance in that process, and without their assistance it would not be possible to raise these people out of the mire

Look at the condition, if you will, of the untouchables if the law comes to their assistance and sets apart miles of territory At the present moment they hold no land, at the present moment they are absolutely living at the mercy of the so-called higher castes, and also, let me say,



## INDIA'S STRUGGLE FOR SWARAJ

at the mercy of the State. They can be removed from one quarter to another without complaint and without being able to seek the assistance of law. Well, the first act of the Legislature will then be to see that, in order somewhat to equalise conditions, these people are given grants freely.

From whose pockets are those grants to come? Not from the pockets of Heaven. Heaven is not going to drop money for the sake of the State. They will naturally come from the moneyed classes including the Europeans. Will they say that this is discrimination? They will be able to say that this is no discrimination against them because they are Europeans, it will be discrimination against them because they have got money and the others have got no money. It will be, therefore, a battle between the haves and have-nots, and if that is what is feared, I am afraid the National Government will not be able to come into being if all these classes hold the pistol at the heads of these dumb millions and say: You shall not have a Government of your own unless you guarantee our possessions and our rights. On no account will they find that there has been discrimination against them because they are English or because they are Europeans or Japanese or anything. The grounds that will be applicable to them for discrimination will be also the grounds for discrimination against Indian-born citizens.

I have got another formula also, hurriedly drafted because I drafted it here as I was listening to Lord Reading and to Sir Tej Bahadur Sapru. It is in connexion with the existing rights.

*"No existing interest legitimately acquired, and not being in conflict with the best interests of the nation or*

*general, shall be interfered with except in accordance with the law applicable to such interests."*

Here, too, I would explain shortly what I have in mind. I certainly have in mind what you find in the Congress resolution in connexion with the taking over by the incoming Government of obligations that are being to-day discharged by the British Government, just as we claim that these obligations must be examined by an impartial tribunal before they are taken over by us. There is no question, therefore, of repudiation but merely of taking over under examination, under audit. Similarly, we have some of us here, some of us who have made a study of the privileges and the monopolies enjoyed by Europeans, but let it not be merely Europeans, there are Indians—I have undoubtedly several Indians in mind—who are today in possession of land which has been practically given away to them not for any service rendered to the nation but for some service rendered, I cannot even say to the Government, because I do not think that the Government has benefited, but to some official, and if you tell me that those concessions and those privileges are not to be examined by the State I again tell you that it will be impossible to run the machinery of government on behalf of the "have-nots", on behalf of the dispossessed. Hence, you will see here that there is nothing stated in connexion with the Europeans. The second formula also is applicable equally to Europeans as it is applicable to Indians, as it is applicable, say, to Sir Purshottamdas Thakurdas and Sir Phiroze Sethna. If they have obtained concessions which have been obtained because they did some service to the officials of the day and got some miles of land, well, if I had the possession of the Government I would quickly dispossess them. I would not consider them because they are Indians, and I would just as readily

dispossess Sir Hubert Carr or Mr Benthal, however admirable they are and however friendly they are to me. They may stand me fifty dinners, but that will not stand in the way of my dispossessing them. The law will be no respecter of persons whatsoever. I give you that assurance. After having received that assurance I am unable to go any further. So that is really what is implied by 'legitimately acquired'—that every interest must have been taintless, it must be above suspicion, like Caesar's wife, and, therefore, we shall expect to examine all these things when they come under the notice of that Government.

Then you have 'not being in conflict with the best interests of the nation.' I have in mind certain monopolies, legitimately acquired, undoubtedly, but which have been brought into being in conflict with the best interests of the nation. Let me give you an illustration which will amuse you somewhat, but which is on natural ground. Take this white elephant which is called New Delhi. Crores have been spent upon it. Suppose that the future Government comes to the conclusion that this elephant, seeing that we have got it, ought to be turned to some use. Imagine that in Old Delhi there is plague or cholera going on, and we want hospitals for the poor people. What are we to do? Do you suppose the National Government will be able to build hospitals, and so on? Nothing of the kind. We will take charge of those buildings and put these plague-stricken people in them and use them as hospitals, because I contend that those buildings are in conflict with the best interests of the nation. They do not represent the millions of India. They may be representative of the momed men who are sitting at the table, they may be representative of His Highness the Nawab Sahib of Bhopal or of Sir Purshottam-

das or of Sir Phiroze Sethna or of Sir Tej Bahadur Sapru, but they are not representative of those who lack even a place to sleep and have not even a crust of bread to eat. If the National Government comes to the conclusion that that place is unnecessary, no matter what interests are concerned, they will be dispossessed, and they will be dispossessed, I may tell you, without any compensation, because, if you want this Government to pay compensation it will have to rob Peter to pay Paul, and that would be impossible.

I am trying to humour you in order to present this bitter pill, for, it is a bitter pill which has got to be swallowed if a Government, as Congress conceives it, comes into being. I have no desire to deceive you, I have no desire, in order to take away something from here, to deceive you into the belief that everything will be quite all right. I want, on behalf of the Congress, to lay all the cards on the table. I want no mental reservation of any description whatsoever, and then, if the Congress position is acceptable nothing will please me better, but if that position is not acceptable, if to-day I feel I cannot possibly touch your hearts and cannot carry you with me, then the Congress must continue to wander and must continue the process of proselytisation until you are all converted and allow the millions of India to feel that at last they have got a National Government.

Up to now, no one has said a word in connexion with the two lines which appear at the end of this resolution, namely, 'It was agreed that the

**Criminal Trials** existing rights of the European community in India in regard to criminal trials should be maintained'

I must confess that I have not been able to study all'

the implications of it. I am glad to be able to say that for some days I have been engaged in carrying on friendly—absolutely friendly—and private conversations with Sir Hubert Carr, Mr Benthall and some friends. I was discussing this very theme with them and I asked them to tell me what these two things meant and they said it was the same thing for the other communities. I have not ascertained what is the meaning of the same thing for the other communities. It means, I suppose, that the other communities also may demand their own jury. This refers to trial by jury. I am afraid I cannot possibly endorse this formula.

Mr Jinnah: May I correct you, Mr Gandhi? It refers not only to juries but to the tribunals, the tribunals which will try Europeans and Indians and there are many other distinctions. It is not merely the jury.

Gandhi: I did not know that. That is why I said I had not studied it. If there is something more you will pardon my ignorance but I could not possibly be a party to such reservations. I think that a National Government cannot possibly be shut in by those restrictions. All the communities to-day who will be the future Indian nation must start with good-will, must start with mutual trust or not at all. If we are told that we cannot possibly have responsible government that will be a state of things understandable. We can all understand that. But we are told there must be all these reservations and safeguards. It would not be liberty and responsible government but it would be all safeguards. Safeguards would eat away the whole of the Government. I was trying this morning to find something analogous and I came to the conclusion that if all those safeguards are to be granted and all the talk here takes concrete shape and we are told that we

are to get responsible government it will be almost on a par with the responsible government that prisoners have in their jails. They too have complete independence immediately the cell door is locked and the jailor goes. The prisoners inside that cell about 10 ft square or 7 ft by 3 ft have complete independence. I do not ask for that kind of complete independence, with the jailors safeguarding comfortably their own rights.

Therefore, I appeal to our European friends that they should withdraw this idea of safeguarding their rights. I venture to suggest that the two formulae that I have put forward should be adopted. You may cut them about in any manner you like. If the wording is not satisfactory by all means suggest some other wording. But outside these formulae of a negative character, whereby there is no bar sinister placed against you, I venture to say, you may not—shall I say dare not—ask for more. So much with reference to existing interests and future trade.

Mr Jayakar was talking yesterday about key industries and I propose to associate myself entirely with the sentiments that he expressed. I do not think that I need take up your time by talking of what importance Congress attaches to key industries. The Congress conception is that if the key industries are not taken over by the State itself the State at least will have a predominant say in the conduct and administration and development of the key industries.

A poor undeveloped country like India is not to be judged as a highly developed individualist Island like Great Britain may be. What is good for Great Britain to-day is, in my opinion, in many respects poison for India.

India has got to develop her own economics, her own policy, her own method of dealing with her industries and everything else. Therefore, so far as the key industries are concerned, I am afraid that not merely the Britishers but many will feel that they are not having fairplay. But I do not know what is the meaning of "fairplay" against a State.

And then about coastal trade too, the Congress undoubtedly has the greatest sympathy with the desire

to develop coastal trade, but then  
**Coastal Trade.** if in the Bill or in any approach to this proposition about the coastal trade, there is any discrimination against Europeans as such, I will join hands with the Europeans and fight that Bill or the proposal which discriminates against Englishmen because they are Englishmen. But there are those vast interests that have come into being. I have travelled fairly frequently up the great riverways of Bengal and I travelled years ago up the Irrawaddy. I know something of that trade. By concessions, privileges, favours, whatever you call them, these huge corporations have built up industries, built up companies and built up a trade which does not admit of any opposition whatsoever.

Some of you may have heard of a budding company between Chittagong and Rangoon. The Directors of that Company, poor, struggling Mussalmans came to me in Rangoon and asked me if I could do anything. My whole heart went out to them, but there was nothing to be done. What could be done? There is the mighty British India Steam Navigation Company simply underselling this budding company and practically taking the passengers without any passage money at all. I could quote instance

after instance of that character Therefore, it is not because it is a British company If it were an Indian Company that had usurped this thing it would be the same Supposing an Indian company was taking away capital, as to-day we have Indians who instead of investing their capital in India invest their capital, or invest their money outside India Imagine that there was a huge Indian Corporation that was taking away all its profits and investing them in some other parts of the world, fearing that the National Government was not going along a correct policy, and therefore, in order to keep their money intact, they were taking away that money outside Go a little step further with me and say that these Directors in order to organise in a most scientific and finished and perfect manner brought all the European skill that they could bring there and did not allow these struggling corporations to come into being, I would certainly have something to say and have legislation in order to protect the companies like the Chittagong Company They could not even float their ships along the Irrawaddy They gave me chapter and verse in order to assure me that it became utterly impossible they could not get their licenses, they could not get the ordinary facilities that one is entitled to Every one of us knows what money can buy, what prestige can buy, and when such prestige is built up which kills all the saplings, it becomes necessary then—to use the expression of Sir John Gorst which he used 42 years ago—to lop off the tall poppies Tall poppies ought not to be allowed to crush these saplings That is really the case on behalf of the coastal trade The Bill may have been clumsily worded, that does not matter, but I think the essence of it is absolutely correct

About the citizenship, that is the last thing Well,



you have the definition from the Nehru Report \* Naturally the Nehru Committee had to consider situations as they arose, and therefore there were several changes rung on the original description, but I would like this Committee to realise that the Nehru Report is—I am sorry to have to say it, but it is so—to-day a back number. Even the late Pandit Motilal Nehru was obliged to say that, not because we wanted to treat that Nehru Report as a back number. The Nehru Report is undoubtedly a compromise between several positions. Though not a member of the Committee I knew exactly what was happening, because I happened at that time to be in India, to be in touch with the members of the Committee and therefore I know something of the history of that Report and how that Committee also came into being. I am not going to weary you with the details of the history of that Committee, but, as you will see, that report is based upon the idea that we were to have Dominion Status. Well, the Congress has taken several strides farther. The Congress had to forget that report in connexion with the Hindu-Moslem-Sikh formula, as it has been obliged to forget that report about many other things. Although the Nehru Report is a creation of the Nehru Committee, it is in the first instance a creation of the Congress. I am not able, therefore, to say that we will be

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\* The word citizen has been defined in the Nehru Report as follows —

- (a) who was born, or whose father was either born or naturalised, within the territorial limits of the Commonwealth and has not been naturalised as a citizen of any other country,
- (b) who is naturalised in the Commonwealth under the law in force for the time being.

*Explanation* —No person who is a citizen of a foreign country can be a citizen of the Commonwealth unless he renounces the citizenship of such foreign country in the manner prescribed by law.

able to-day to swear by everything that appears there Beyond that I do not want just now to go

The definition of a citizen is a terrific job I could not possibly undertake on the spur of the moment to present, as I understand the Congress mentality of to-day, what will commend itself to the Congress or what will commend itself to me It is, as I say, a matter on which I should like to confer with Sir Tej Bahadur Sapru and other friends and try to understand what is at the back of their minds, because, I must confess, that out of this discussion I have not been able to reach the heart of the thing I have made the Congress position absolutely clear, that we do not want any racial discrimination, but after having cleared that position I am not called upon now to give a summary decision for the opinion of the Congress in connexion with the definition of the word "citizen" Therefore, I would simply say in connexion with the word "citizen" that I reserve my opinion as to the definition entirely for the time being

Having said this, I want to close with this remark I do not despair of finding a common formula that would satisfy the European friends The negotiations in which I was privileged to be a party are, I think, still to continue If my presence is required I will attend that little Committee meeting The idea is to enlarge it and give it a little less informal shape and find out a common basis

In spite of what I have said, I do not despair of finding a common formula, but having expressed that hope, I would again harp back to the point that, so far as I can understand it, I cannot think of any detailed scheme which could be incorporated in the constitution What can be incorporated in the constitution is some such formula as this, round which all kinds of rights can arise

There is no conception here, as you see, of doing anything administratively. I have expressed my own hope in connexion with the Federal and Supreme Court. To me the Federal Court is the Supreme Court, it is the final Court of Appeal beyond which there would be no appeal whatsoever, it is my Privy Council and it is the palladium of liberty. It is the Court to which every person who is at all aggrieved can go. A great jurist in the Transvaal—and the Transvaal and South Africa generally have undoubtedly produced very great jurists—to whom I used to go for assistance when I was a youngster once said to me, in regard to a very difficult case: "Though there may be no hope just now, I tell you that I have guided myself by one thing, or else I should not be a lawyer, the law teaches us lawyers that there is absolutely no wrong for which there is no remedy to be found in a Court of Law and if Judges say there is no remedy, then those Judges should be immediately unseated." I say that with all deference to you, Lord Chancellor.

I, therefore, think that our European friends may rest assured that the future Federal Court will not send them away empty-handed as we expect to go away empty-handed, if we do not have the favour of the Ministers who are the present advisers of His Majesty. I am still hoping that we shall have their ear and get round their better side, and then we may hope to go away with something substantial in our pockets, but whether we go away with anything substantial in our pockets or not, I hope that if the Federal Court of my dreams comes into being then the Europeans and everybody—all the minorities—may rest assured that, that Court will not fail them, though a puny individual like myself may fail

## FINANCIAL SAFEGUARDS.

*Speaking at the Federal Structure Sub-Committee*  
*Mahatma Gandhi said —*

My Lord, I followed your (Lord Reading's) speech on the very important subject of financial safeguards with the greatest attention and with all the respect that is undoubtedly your due. In connexion with that speech I read the paragraphs on Finance in the Federal Structure Committee's Report of last year, and I regret to have to record my opinion that I cannot endorse the restrictions that have been suggested in these paragraphs. My position, and, I think, the position of all of us, must be very difficult when we do not know exactly what are the financial burdens.

Let me explain. I would naturally have to consider the thing from one point of view if 'Army' was a reserved subject, and another point of view if 'Army' was a transferred subject. I have also very great difficulty in expressing my view by reason of the fact that the Congress is emphatically of opinion that the obligations to be taken over by the incoming Government should be subject to audit and impartial examination.

I have in my hands a Report prepared by four impartial men, two of them ex-Advocates-General of the Bombay High Court, I mean Messrs Bahadurji and Bhulabhai Desai. The third examiner, or member of the Committee is Professor Shah, for a long time professor in the University of Bombay, a man having an all-India reputation and author of valuable works on Indian economics. The fourth member of the Committee

is Mr Kumarappa, who holds European degrees and whose opinions on Finance command considerable acceptance and influence. These four gentlemen have submitted an elaborate Report\* in which they, as I hold, make out a conclusive case for an impartial enquiry, and they show that many of the obligations do not really belong to India.

In this connexion, I want very respectfully to say that the Congress has never suggested, as it has been viciously suggested against it, that one single farthing of national obligations should ever be repudiated by the Congress. What the Congress has, however, suggested is that some of the obligations, which are supposed to belong to India, ought not to be saddled upon India and should be taken over by Great Britain. You will find in these volumes a critical examination of all these obligations. I do not propose to weary this Committee with a recital of these things. Those who would care to study these two volumes may, and I have no doubt will, study them with considerable profit, and they will, perhaps, discover that some of these obligations should never have been saddled upon India. That being the case, I feel that if one knew exactly where one was, it would be possible to give a decisive opinion, but subject to that, I venture to suggest, that the restrictions, or the so-called safeguards, that have been suggested in this report of the Federal Structure sub-Committee will, instead of helping India on her course, hinder her progress at every step.

You, my Lord, were pleased to say that the question

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\* A summary of the Report appears in Appendix

before you was not one of want of confidence in Indian Ministers. On the contrary, you had every hope that the Indian Ministers would do as well as any other Minister, but you were concerned with the credit of India outside the borders of India, that the investors who supplied capital to India and who brought their money to India at reasonable rates of interest would not be satisfied if there were not safeguards of the type suggested here, and you went on further, if I remember rightly, to say that when there were any investments in India from here, or when there were any monies sent to India it was not to be supposed that they were not also for the interest of India.

If I remember rightly, Your Lordships used the words "obviously it was in the interests of India" I was really waiting to find some illustrations, but no doubt you took it for granted that we would know those matters or those illustrations which you had in mind. I had really converse illustrations in mind while you were speaking, and I said to myself, I have within my own experience several illustrations where I could show that the interests of India were not in those particular illustrations identical with the interests of Great Britain, that the two were in conflict, and that, therefore, we could not possibly say that every time there were loans from Great Britain, they were in the interests of India.

Take, for instance, so many wars. Take the wars of Afghanistan. As a young man I read with great avidity the history of wars in Afghanistan written by the late Sir John Kay and I have a vivid recollection left on my mind that most of these wars were certainly not in the interests of India and not only that, but that the Governor-General had bungled over these wars. The late Dadabhai

Naoroji taught us, young men, that the history of British Finance in India was a history of muddle and bungling where it was not also one of exploitation of India

The Lord Chancellor uttered the warning, and you were pleased to endorse his warning, that Finance, at the present moment, was a very

Exchange Policy delicate matter and that, therefore, those of us who took part in the discussion should be cautious and careful so as not to mishandle the subject and create difficulties or add to the difficulties that already face the Finance Minister in India I, therefore, do not propose to go into any details, but, I cannot help saying one thing in connexion with this increase in the ratio I mean when the rupee was appreciated to 1-6d from 1-4d Now, there the measure was adopted in the face of almost unanimous opposition from Indians—Indians who were not in any way connected with the Congress They were all independent, some of them great experts in finance who knew exactly what they were saying Here again one finds that the Indian interest was really subordinated to foreign interests It does not require an expert to know that a depreciated rupee is always, or as a rule, would be in the interest of the cultivators I was very much struck by an admission made by two financiers here, that if the rupee, instead of being linked to sterling, had been left to itself, at least for the time being, it would have been of great advantage to the cultivators They were going to the last extreme and thinking of some catastrophe that might befall India if the rupee left to itself went down to the intrinsic value, namely 6d or 7d Personally, I have not even then been able to see that really the Indian cultivator would be in any shape or form damaged

That being the case, I cannot possibly endorse safeguards that would interfere with the full discharge of his responsibility by the Indian Finance Minister, and that responsibility conceived predominantly in the interests of the ryots

But I want to draw the attention of this committee to one thing more In spite of the caution uttered by the

Lord Chancellor and you, My Lord,

#### India's Needs

I feel somehow or other that if Indian finance was properly managed, entirely in the interests of India, we should not be subject to fluctuations as seriously as we are today in the foreign market, the fluctuations in London I want to give you my reason for it When I first became acquainted with the writing of Sir Daniel Hamilton I approached him with considerable diffidence and hesitation I knew nothing practically of Indian finance, I was absolutely new to the subject but, he with his zeal insisted upon my studying the papers that he continued to send me As we all know, he has large interests in India, he has himself held offices of importance and is himself an able financier He is to-day making experiments himself along the lines he has suggested, but this is the one striking thought that he has placed before all who would care to understand his mode of looking at Indian finance, when he says that India does not need to look to the gold standard, or to the silver standard or to any metallic standard, India has metal all its own, and he says that that consists in her innumerable countless million of labourers It is true that the British Government has not declared itself insolvent in connexion with Indian finance, that it has been, up to now, able to pay the way, but at what cost? It has been at the cost of the cultivator, the money has been squeezed from the cultivator Instead of thinking in terms



of rupees, if the authorities had consulted and thought of finance in terms of these masses, they could have managed the affairs of India infinitely better than they have hitherto done, they would not then have been obliged to fall back upon foreign market. Everybody recognises, and British financiers have told us, that for nine years out of ten India has always a favourable balance.

That is to say, whenever India has, what may be called, an eight anna or ten anna year, eight annas is really enough to give her a favourable balance. Then India produces through bountiful nature, from Mother Earth, more than enough to pay for all her obligations, and more than for all the imports that she may ever require. If it is true, and I hold that it is true, a country like India does not really need to fall back upon the foreign capitalist. She has been made to fall back upon the foreign capitalist because of the enormous drain that has taken place from India in order to pay what are called the 'Home Charges', in order to pay the terrific charges for India's Defence. She is utterly unable to discharge these obligations, and yet, they have been met by a revenue policy which has been condemned in unmeasured terms by one of the officiating Commissioners, the late Ramesh Chandra Dutt. I know he engaged in a controversy with the late Lord Curzon on this very topic, and we Indians came to the conclusion that the right was on the side of the late Ramesh Chandra Dutt.

But I want to go a step further. It is known that these millions of cultivators remain idle for six months in the year. If the British Government saw to it that these men would not remain idle for six months in the year, imagine the wealth that they would produce.

Why should we then need ever to fall back upon the foreign market? That is how the whole idea of finance appears before me, a layman, a man who continually thinks of these masses and wants to feel as they would feel. They would say we have all the labour therefore, we do not want to fall back upon any foreign capital. So long as we labour, the whole world would want the products of our labour. And it is true, the world to-day wants the products of our labour. We would be able to produce those things that the world would voluntarily and willingly take from us. That has been the condition of India of ages past. There, I really do not share the fear that you, My Lord, have expressed in connexion with Indian finance. In my opinion, unless we have control over our own door-keepers, and over our own purse, absolutely unrestricted, we shall not be able to shoulder the responsibility, and it will not be a responsibility worth the name.

I am not in a position at the present moment to suggest any safeguards at all—not until I know that the nation is to have complete

**The Safeguards** responsibility, complete control over her Army, over the Civil Service, that the nation will be at perfect liberty to take over so many of the Civilians as the nation would want, so many of the soldiers as the nation would want and on terms that would be suitable for a poor nation like India. Unless I know all these things it is practically impossible for me to suggest the safeguards. As a matter of fact, when all these things are taken into consideration, probably, there will be no necessity for any safeguards, unless one starts with a want of confidence in India's ability to shoulder her burden and India's ability to

carry on the administration of the country in a peaceful manner. The only danger under such circumstances that I can possibly conceive would be that the moment we take charge there would be utter chaos and disorder. Now, if that is the fear that seizes the British mind, then, there is no meeting ground. We take responsibility, we ask for responsibility, we demand responsibility because, we have got that confidence that we would be able to carry on our affairs in a decent manner and, I feel, certainly in a much better manner than British administrators have done or could ever do—not because they are not able. I will grant that they are much abler than we are, I will grant that they have got an organising capacity which we have to learn at their feet. But we have one thing. We know our country, we know our people and we should, therefore, be able to run our Government cheaply. We would avoid all the quarrels, and we, not having any imperialistic ambition, would not go to war with the Afghans or any other nation, but we would cultivate friendly relations, and they would have nothing to fear from us.

That is the kind of ideal that runs through my mind as I conceive Indian finance. You will see, therefore, that in my opinion Indian finance does not occupy such a large place in my conception, and not such a dangerous position as it evidently occupies in your mind, or the Lord Chancellor's mind or in the minds of British Ministers with whom I had the privilege of discussing this question. Hence, and for the reasons that I have explained, I must respectfully say that it is not possible for me to subscribe to the safeguards that are suggested here, or to endorse the fears that agitate the British public or the responsible men in Great Britain.

For every obligation that the National Government undertakes there will be proper guarantees, such guarantees as a nation can possibly give, and assurances of a right type forthcoming. But, in my opinion, they will never be of the type or the character described in these paragraphs. After all, if there are, and there would be I have no doubt, certain obligations that we would have to take over and we would have to discharge towards great Britain, supposing that we bungled and did not do anything whatsoever, no assurance given on paper would be worth anything. Or supposing that India, when she comes into her own, unfortunately for her, has a series of bad seasons, then again, I do not know that any safeguard that might possibly be conceived would be enough to squeeze money out of India. In these critical circumstances—unforeseen circumstances—visitations of nature, it is impossible for any national Government to give guarantees.

I can only close with the great sorrow that has overtaken me in connexion with these things that I should find myself in conflict with so many administrators who have experience of Indian affairs and also of so many of my countrymen who are attending this Round Table Conference, but, if I am to discharge my duty as representative of the Congress, even at the risk of incurring displeasure, I must give expression to the views I hold in common with so many members of the Congress.

### PROVINCIAL AUTONOMY.

*Following is the full text of the speech delivered by Mahatma Gandhi at the meeting of the Federal Structure Sub-Committee —*

I tender my congratulations to Mr. Lees-Smith for

being responsible for the debate I tender my congratulations to you, Lord Chancellor, for having allowed the debate. I thank Mr Lees-Smith for having shown his amazing optimism in initiating the debate. He has come as a physician with an oxygen-pump. He is trying to pump oxygen into the dying body. I do not say that we are a dying body, because of this rumour or threat of provincial autonomy divorced from central responsibility. In my humble manner, almost from the commencement of these proceedings, I have been uttering words of warning, and I was oppressed, and I said so in so many words, with the sense of unreality which has been dawning upon Sir Tej Bahadur Sapru only yesterday because he has given me the privilege of taking me into his confidence in common with his other friends and comrades, if I can also bracket myself as one of his comrades. Out of his ripe experience of administrative affairs, having held high offices in Government, he has warned us of the danger of Provincial Autonomy so called.

I am very often an unrepentant sinner. He had reasons for issuing this warning especially in connexion with me, because I had dared to discuss the question of Provincial Autonomy with so many English friends who are responsible public men in this country, and he had heard of it, and so he gave me ample warning. It was for that reason that you find me as one of the co-signatories, not to the document that has been placed before you, Lord Chancellor, but to another similar document that was issued to the press about ten days ago and was addressed to the Premier. I told him, as I say here, that both he and others who have spoken after him, and I, reached the same goal, though through different routes. Fools walk in



Gandhi spinning industrially while talking to visitors  
during his stay in London



where angels fear to tread Not having had any experience of administration actually, I felt that if Provincial Autonomy was the Provincial Autonomy of my conception, I, for one, would not mind handling the fruit, feeling the thing and seeing whether it really answered my purpose

I love to meet friends who may be opponents in policy on their own platform and find out their difficulties, and find out also whether what they are offering is likely to lead one to the same place, and in that spirit and in that sense I ventured to discuss Provincial Autonomy, but I found at once on discussion that what they meant was certainly not the Provincial Autonomy that I meant, and so I told my friends also that I would be quite safe if they left me alone, and that I was not going to sell the interests of the country out of foolish conception of Provincial Autonomy, or out of impatience to get something for the country What I am anxious to do is, having come all these miles with the greatest diffidence, having come here to tender my whole-hearted co-operation to Government and this Conference without the slightest mental reservation, and having applied that spirit of co-operation in thought, word and deed, to leave nothing undone, I have not hesitated even to go into the danger zone, and hence, I have dared to talk about and discuss Provincial Autonomy But I have come to the conclusion that you or the British Ministers do not contemplate giving India that measure of Provincial Autonomy which would satisfy a man of my mentality, which would satisfy the Congress, and which would reconcile the Congress to taking up Provincial Autonomy, although there may be delay in getting responsibility at the centre



At the risk of taking up little of the time of the meeting, let me make my meaning clear. Because, here too I am adopting a somewhat different line of argument, and I am most anxious not to be misunderstood. Let me take one illustration. I want to take for my illustration Bengal, because it is the province to-day in India which is deeply affected. I know that there is a terrorist school active in Bengal.

Everybody ought to realise by this time that I can have no sympathy with that terrorist school in any shape or form. I am as convinced as I have ever been that terrorism is the worst kind of action that any reformer can take up. Terrorism is the very worst thing for India in a special manner, because India is a foreign soil for terrorism to flourish in. I am convinced, that those young Indians who are giving their lives for what they consider to be good cause are simply throwing away their lives, and they are not bringing the country one inch nearer to the goal, which is common, I hope, to us all. I am convinced of these things, but, having been convinced of them, supposing that Bengal had Provincial Autonomy to-day, what would Bengal do? Bengal would set free every one of the detenus. Bengal would not hunt down the terrorist—autonomous Bengal I mean—but Bengal would try to reach these terrorists and convert these terrorists. And I should approach them with every confidence and wipe out terrorism from Bengal.

But let me go one step further, in order to drive home the truth that is in me. If Bengal was autonomous, that autonomy would really remove terrorism from Bengal, because these terrorists foolishly consider that their action is the shortest route to freedom, but having attained that

freedom terrorism would cease To-day, there are a thousand young men, some of whom, I would dare swear, have absolutely nothing in common with the terrorist school, a thousand young men who have not been tried, who have not been convicted They have all—every one of them—been arrested on suspicion So far as Chittagong is concerned Mr Sen Gupta, who was Lord Mayor of Calcutta, who was a member of the Bengal Legislative Council and who was also the president of the Provincial Congress Committee in Bengal, is here to-day He has brought me a report signed by members of all the parties in Bengal in connexion with Chittagong It is a sad reading It is painful to read this report, but the substance of this report is that there had been an inferior edition of the Black and Tan in Chittagong, and Chittagong is not a place of no importance on the Indian map.

We now see there has been a flag-showing ceremony, and in making this demonstration all the military forces have been concentrated together in Calcutta, and these demonstrations have gone through ten streets of Calcutta

I promise you it will not frighten the terrorists Will it then win the Congress from Civil Disobedience? It will not do so Congressmen are pledged to this thing Suffering is the badge of their tribe They are determined to go through every form of suffering It cannot do any such thing Our children would laugh at this show And it is our purpose to show our children that they must not be terrified They must not be frightened by this display of artillery, guns, air force and so on Thus you see what is my conception of Provincial Autonomy All these things would be impossible I would not allow a single soldier to enter Bengal I would not pay a single farthing

for the upkeep of an army, which I may not command. In such a Provincial Autonomy, you do not contemplate a state in Bengal, whereby I can set free all these detenus and remove from the Statute Book the Bengal Regulations. If it is Provincial Autonomy, then it is independence for Bengal, precisely in the same manner as responsible government I have seen growing up in Natal. That is a little colony, but it had its own independent existence. It had its own volunteer force and so on. You do not contemplate that thing for Bengal or any of other provinces. It will be the Centre still dictating, still ruling, still doing all these things. That is not the Provincial Autonomy of my conception. That was why I said if you present me with that live Provincial Autonomy, I shall be prepared to consider that proposition. But I am also convinced that autonomy is not coming. If that autonomy was coming, we would not see all these protracted proceedings that have taken place here. Then we would have managed our own affairs in an entirely different manner.

But what really grieves me still more is this we have all been brought here with one single purpose. I have been brought here specially through the Delhi Pact, and in that Pact it is written, in so many words, that I was coming here to discuss and receive really Central responsibility. Federation with all its responsibility—safeguards undoubtedly—but safeguards in the interests of India. I have said in season and out of season that I would consider every safeguard that is necessary. I personally do not really agree with Mr. Lees-Smith or anybody that this constitutional building should take three long years. He thinks of Provincial Autonomy in 18 months. My folk tell me that all this time is not necessary.

Where people have made up their mind, Parliament

has made up its mind, Ministers have made up their minds and the public opinion here, then these things do not take time. I have seen them not taking time where there has been one mind applied, but I do know that there is not one mind applied, but there are many minds, all following their own course, all perhaps with a disruptive tendency. That being so, I feel convinced that, in spite of this debate, not only is there going to be no responsibility at the Centre, but there is going to be no tangible result out of this Conference. It hurts me, it pains me, to find all this precious time of the British Ministers, of the nation, and of all these Indians and all of us should have been wasted. But I am very much afraid that, in spite of this oxygen pump the result will be nil. I do not say the result is therefore bound to be that Provincial Autonomy will be thrust down our throats. I do not really fear that result.

What I fear is something still more dreadful—that nothing at all is going to come out of this thing but—

<p><b>Blessings of Repression</b></p>	<p>terrible repression in India. I do not mind that repression, repression will only do us good. If we have repression at the right time, I will consider that also as a very fine outcome of this Conference. Repression has never done harm to a single nation which is sailing for her destined goal, with a fixed determination, for that repression is really an oxygen draught, though not the draught that Mr. Lees-Smith has administered. But what I fear is that the slender thread which I had again built up of co-operation with the British nation, with the British Ministers, is about to snap, and that I should again declare myself a convinced non-co-operator and civil resister, that I should re-deliver this message of non-co-operation and civil</p>
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resistance to the millions of India, no matter how many air balloons will float over India, or how many tanks will be brought to India. They will have no result. You do not know to-day that they produce no results even upon tender young children. We teach them to dance with joy when bullets are flying about them like so many crackers. We teach them to suffer for the freedom of their country. I do not despair. I do not think that because nothing happens here, there will be chaos in the land, not so long as Congress remains untarnished and non-violence goes forward throughout the length and breadth of India undiminished. I have been told so often that it is the Congress that is responsible for terrorism. I take this opportunity of denying that with all the strength at my command. On the contrary, I have evidence to show that it is the Congress creed of non-violence which up to now has kept the forces of terrorism in check. I regret we have not succeeded to the fullest extent, but as time goes on, I hope to succeed. It is not as if this terrorism can bring freedom to India. I want freedom precisely of the same type, only fuller than what Mr. Jayakar wants. I want full freedom for the masses. And I know terrorism can do no good to the masses. The masses are silent and disarmed. They do not know how to kill. I do not talk of individual instances, but the Indian masses have never moved in that direction.

Whilst, on the one hand, the Congress will fight the British authority with its terrorism legalised, so also will Congress fight terrorism illegal on the part of the youth. Between those two there was this course of co-operation opened up for the British nation, and for me, by Lord Irwin. He had built this bridge. I

Wanted Real  
Autonomy.

thought I was going to have a safe passage I had a safe passage, I have come here to tender my co-operation But I must confess to you that apart from what Mr Lees-Smith has said and apart from what has been said on this side also by Dr Sapru, by Mr Sastri, and other speakers, the limited responsibility at the Centre would not satisfy me I want that responsibility at the Centre that will give me control over the Army and Finance I know I am not to get that here now I know there is not a British man ready for that

Therefore, I know I must go back and invite the nation to a course of suffering I have taken part in the debate, because I wanted to make my position absolutely clear What I have been saying to friends in private with reference to Provincial Autonomy I have now said openly Here I have told you what I mean by Provincial Autonomy—what would really satisfy me Having opened out this argument I close by saying that I sail in the same boat as Dr Sapru and others I feel convinced that real Provincial Autonomy is an impossibility, unless there is central responsibility, unless you are prepared to so weaken the centre that the provinces will be able to dictate to the centre I know that you are not prepared to-day to do this I know that this Conference does not conceive a weak centre when this Federal Government is brought into being, but it conceives a strong centre A strong centre governed and administered by an alien authority and a strong autonomy are a strong contradiction in terms Hence I feel that provincial autonomy and central responsibility have, really speaking, to go together

But I say again that I have an open mind If somebody will convince me that there is provincial autonomy, such as I have conceived (for instance for Bengal), available, I would grasp it

## THE FINAL APPEAL

*Following is the full text of the speech delivered by Mahatmaji at the final sitting of the Plenary Session of the Round Table Conference —*

I wish that I could have done without having to speak to you but I felt that I would not have been just to you or just to my principles if I did not put in what may be the last word on behalf of the Congress I live under no illusion

The Last Word.

I do not think that anything that I can say this evening can possibly influence the decision of the Cabinet. Probably the decision has been already taken. Matters of liberty of practically a whole Continent can hardly be decided by mere argumentation, or even negotiation. Negotiation has its purpose and had its play, but only under certain conditions. Without those conditions negotiations are a fruitless task. But I do not want to go into all these matters. I want as far as possible to confine myself within the four corners of the conditions that you, Prime Minister, read to this Conference at its opening meeting. I would, therefore, first of all say a few words in connection with the reports that have been submitted to this Conference. You will find in these reports that generally it has been stated that so and so is the opinion of a large majority. Some, however, have expressed an opinion to the contrary, and so on. Parties who have dissented have not been stated. I had heard when I was in India, and I was told when I came here, that no decision or decisions will be taken by the ordinary rule of majority, and I do not want to mention this fact here by way of complaint that the Reports have been so framed as if the proceedings were governed by the test of majority. But it was necessary for me to mention this fact, because to

most of these reports you will find that there is a dissenting opinion, and in most of the cases that dissent unfortunately happens to belong to me. It was not a matter of joy to have to dissent from fellow delegates, but I felt that I could not truly represent the Congress unless I notified that dissent.

There is another thing which I want to bring to the notice of this Conference, namely, what is the meaning of the dissent of the Congress? I

**Dissent of the  
Congress**

said at one of the preliminary meetings of the Federal Structure Committee that the Congress claimed to represent over 85 percent of the population of India, that is to say, the dumb, toiling, semi-starved millions. But I went further that the Congress claimed also, by right of service, to represent even the Princes, if they would pardon my putting forth that claim, and the landed gentry and the educated class. I wish to repeat that claim and I wish this evening to emphasise that claim.

All the other parties at this meeting represent sectional interests. Congress alone claims to represent the whole of India and all interests. It is no communal organisation, it is a determined enemy of communalism.

**Congress Stands for  
All.** Congress knows no distinction of race, colour or creed, its platform is universal. It may not always have lived up to the creed. I do not know a single human organisation that lives up to its creed. Congress has failed very often to my knowledge. It may have failed more often to the knowledge of its critics. But the worst critic will have to recognise, as it has been recognised, that the National Congress of India is a daily growing organisation, that its message penetrates the remotest village of India, that on given occasions the



Congress has been able to demonstrate its influence over and among these masses who inhabit its 700,000 villages.

And yet, here I see that the Congress is treated as one of the Parties. I do not mind it, I do not regard it as a calamity for the Congress, but I do regard it as a calamity for the purpose of doing the work for which we have gathered together here. I wish I could convince all the British public men, the British Ministers, that the Congress is capable of delivering the goods. The Congress is the only all-India-wide national organisation, bereft of any communal bias, that it does represent all the minorities which have lodged their claim here and which, or the signatories on their behalf, claim—I hold unjustifiably—to represent 46 per cent of the population of India. The Congress, I say, claims to represent all these minorities.

What a great difference it would be to-day if this claim on behalf of the Congress was recognised. I feel that I have to state this claim with some degree of emphasis on behalf of peace, for the sake of achieving the purpose which is common to all of us, to you Englishmen who sit at this Table, and to us the Indian men and women who also sit at this Table. I say so for this reason. Congress is a powerful organisation, Congress is an organisation which has been accused of running or desiring to run a parallel Government, and in a way I have endorsed the charge. If you could understand the working of the Congress, you would welcome an organisation which could run a parallel Government and show that it is possible for an organisation, voluntary, without any force at its command, to run the machinery of Government even under adverse circumstances. But no. Although you have invited the Congress you distrust the Congress. Although you have invited the Congress, you reject it.

claim to represent the whole of India. Of course it is possible at this end of the world to dispute that claim, and it is not possible for me to prove this claim, but all the same, if you find me asserting that claim, I do so because a tremendous responsibility rests upon my shoulders.

The Congress represents the spirit of rebellion. I know that the word "rebellion" must not be whispered

at a Conference which has been  
 Spirit of Rebellion. summoned in order to arrive at an agreed solution of India's troubles through negotiation. Speaker after speaker has got up and said that India should achieve her liberty through negotiation, by argument, and that it will be the greatest glory of Great Britain if Great Britain yields to India's demands by argument. But the Congress does not hold that view. The Congress has an alternative which is unpleasant to you.

I heard several speakers and let me say I have endeavoured not to miss a single sitting, I have tried to follow every speaker with utmost attention and with all the respect that I could possibly give to these speakers—say-

No Brief for  
 Terrorists

ing what a dire calamity it would be if India was fired with the spirit of lawlessness, rebellion, terrorism and so on. I do not pretend to have read history, but as a school boy I had to pass a paper in history also, and I read that the page of history is soiled red with the blood of those who have fought for freedom. I do not know an instance in which nations have attained their own without having to go through an incredible measure of travail. The dagger of the assassin, the poison bowl, the bullet of the rifleman, the spear and all these weapons and methods of destruction have been up to now used by, what I consider, blind lovers of liberty and freedom, and

the historian has not condemned him *I hold no brief for the terrorists* Mr Ghuznavi brought in the terrorists and he brought in the Calcutta Corporation I felt hurt when he mentioned an incident that took place at the Calcutta Corporation He forgot to mention that the Mayor of that Corporation made handsome reparation for the error into which he himself was betrayed and the error into which the Calcutta Corporation was betrayed through the instrumentality of those members of the Corporation who were Congressmen

I hold no brief for Congressmen who directly or indirectly would encourage terrorism As soon as this incident was brought to the notice of the Congress the Congress set about putting it in order It immediately called upon the Mayor of the Calcutta Corporation to give an account of what was done and the Mayor, the gentleman that he is, immediately admitted his mistake and made all the reparation that it was then legally possible to make I must not detain this assembly over this incident for any length of time He mentioned also a verse which the children of the forty schools conducted by the Calcutta Corporation are supposed to have recited There were many other mis-statements in that speech which I could dwell upon, but I have no desire to do so It is only out of regard for the great Calcutta Corporation and out of regard for truth and on behalf of those who are not here to-night to put in their defence that I mention these two glaring instances I do not for one moment believe that this was taught in the Calcutta Corporation schools with the knowledge of the Calcutta Corporation I do know that in those terrible days of last year several things were done for which we have regret, for which we have made reparation If our boys in Calcutta were taught those verses which Mr Ghuznavi has recited, I am here

to tender an apology on their behalf, but I should want it proved that the boys were taught by the school-masters of these schools with the knowledge and encouragement of the Corporation. Charges of this nature have been brought against the Congress times without number, and times without number these charges have also been refuted, but I have mentioned these things at this juncture. It is again to show that for the sake of liberty people have fought, people have lost their lives, people have killed and have sought death at the hands of those whom they have sought to oust. The Congress then comes upon the scene and devises a new method not known to history, namely, that of Civil Disobedience, and the Congress has been following that method up. But again I am up against a stone wall and I am told that that is a method that no Government in the world will tolerate. Well, of course, the Government may not tolerate, no Government has tolerated open rebellion. No Government may tolerate civil disobedience, but Governments have to succumb even to these forces, as the British Government has done before now, even as the great Dutch Government after eight years of trial had to yield to the logic of facts. General Smuts, a brave General, a great statesman, and a very hard taskmaster also, but he himself recoiled with horror from even the contemplation of doing to death innocent men and women who were merely fighting for the preservation of their self-respect, and the things which he had vowed he would never yield in the year 1908, reinforced as he was by General Botha, he had to do in the year 1914, after having tried these civil resisters through and through. And in India Lord Chelmsford had to do the same thing, the Governor of Bombay had to do the same thing in Borsad and Bardoli.

I suggest to you, Prime Minister, it is too late to-day

to resist this, and it is this thing which weighs me down,

Hoping Against      this choice that lies before them, the  
                  Hope      parting of the ways, probably I

shall hope against hope, I shall strain every nerve to achieve an honourable settlement for my country, if I can do so without having to put the millions of my countrymen and countrywomen and even children through this ordeal of fire. It can be a matter of no joy and comfort to me to lead them on again to a fight of that character, but if a further ordeal of fire has to be our lot I shall approach that with the greatest joy and with the greatest consolation that I was doing what I felt to be right, the country was doing what it felt to be right, and the country will have the additional satisfaction of knowing that it was not at least taking lives, it was giving lives. It was not making the British people directly suffer, it was suffering. Professor Gilbert Murray told me what I shall never forget. I am paraphrasing his inimitable language. He said "You do not consider for one moment that we Englishmen do not suffer when thousands of your countrymen suffer, that we are so heartless?" I do not think so. I do know that you will suffer, but I want you to suffer because I want to touch your hearts, and when your hearts have been touched then will come the psychological moment for negotiation. Negotiation there always will be, and if this time I have travelled all these miles in order to enter upon negotiation I thought that your countryman, Lord Irwin, had sufficiently tried us through his Ordinances, that he had sufficient evidence that thousands of men and women of India and that thousands of children had suffered, and that, Ordinance or no Ordinance, *lathis* or no *lathis*, nothing would avail to stem the tide that was onrushing and to stem the passions

that were rising in the breasts of the men and women of India who were thirsting for liberty

Whilst there is yet a little sand left in the glass, I want you to understand what this Congress stands for

What Congress  
Stands For

My life is at your disposal The lives of all the members of the Working Committee, the All-India Congress Committee are at your disposal But remember that you have at your disposal the lives of all these dumb millions I do not want to sacrifice those lives if I can possibly help it Therefore, please remember, that I will count no sacrifice too great if by chance I can pull through an honourable settlement You will find me always having the greatest spirit of compromise if I can but fire you with the spirit that is working in the Congress, namely, that the Indian must have real liberty Call it by any name you like a rose will smell as sweet by any other name, but it must be the rose of liberty that I want and not the artificial product If your mind and the Congress mind, the mind of this Conference and the mind of the British people, means the same thing by the same word, then you will find the amplest room for compromise, and you will find the Congress itself always in a compromising spirit But so long as there is not that one mind, that one definition, not one implication for the same word that you and I and we may be using, so long there is no compromise possible How can there be any compromise so long as we, each one of us, have a different definition for the same words that we may be using? It is impossible, Prime Minister, I want to suggest to you in all humility that it is utterly impossible then to find a meeting ground, to find a ground where you can apply the spirit of compromise And I am very grieved to have to say that up to now I have not been able to discover

a common definition for the terms that we have been exchanging during all these weary weeks

I was shown last week the Statute of Westminster by a sceptic, and he said "Have you seen the definition of Dominion?" I read the definition of India's Destined Goal. "Dominion", and naturally I was not at all perplexed or shocked to see that the word "Dominion" was exhaustively defined, and it had not a general definition but a particular definition. It simply said the word "Dominion" shall include Australia, South Africa, Canada and so on, ending with the Irish Free State. I do not think I noticed Egypt there. Then he said "Do you see what your Dominion means?" It did not make any impression upon me. I do not mind what my Dominion means or what complete independence means. In a way I was relieved. I said I am now relieved from having to quarrel about the word "Dominion", because I am out of it. But I want complete independence, and even so, many Englishmen have said "Yes, you can have complete independence but what is the meaning of complete independence?", and again we come to different definitions. Therefore, I say the Congress claim is registered as complete independence.

One of your great statesmen—I do not think I should give his name—was debating with me, and he said "Honestly I did not know that you meant this by complete independence." He ought to have known, but he did not know and I shall tell you what he did not know. When I said to him "I cannot be a partner in an Empire", he said "Of course, that is logical." I said "But I want to become that. It is not as if I shall be if I am compelled to, but I want to become a partner with Great Britain. I want to become a partner with the English people, but I want to enjoy precisely the same liberty that your people enjoy,



Bare-headed and clad in home-made garments, Mahatma Gandhi was surrounded by admirers and journalists as he stepped ashore at Marseilles (Page 82)





and I want to seek this partnership not merely for the benefit of India, and not merely for mutual benefit, I want to seek this partnership in order that the great weight that is crushing the world to atoms may be lifted from its shoulders "

This took place ten or twelve days ago. Strange as it may appear, I got a note from another Englishman whom also you know and whom also you respect. Among many things, he writes "I believe profoundly that the peace and happiness of mankind depend on our friendship" and, as if I would not understand that, he says "your people and mine." I must read to you what he also says "And of all Indians you are the one that the real Englishman likes and understands."

He does not waste any words on flattery, and I do not think he has intended this last expression to flatter me. It will not flatter me in the slightest degree. There are many things in this note which, if I could share them with you, would perhaps make you understand better the significance of this expression, but let me tell you that when he writes this last sentence he does not mean me personally. I personally signify nothing, and I know I would mean nothing to any single Englishman, but I mean something to some Englishmen because I represent a cause, because I seek to represent a nation, a great organisation which has made itself felt. That is the reason why he says this.

But then, if I could possibly find that working basis, Prime Minister, there is ample room for compromise. It is friendship I crave. My business is not to throw overboard the slave holder and tyrant. My philosophy forbids me to do so, and today the Congress has accepted that philosophy not as a creed, as it is to me, but as a policy, because the Congress believes that it is the right

**Ample Room for  
Compromise**

and best thing for India, a nation of 350,000,000 to do. A nation of 350 million people does not need the dagger of the assassin, it does not need the poison bowl, it does not need the sword, the spear or the bullet. It needs simply a will of its own, an ability to say "No" and that nation is to-day learning to say "No."

But what is it that that nation does? To summarily or at all, to dismiss Englishmen? No. Its mission is to-day to convert Englishmen. I do not want to break the bond between England and India but I do want to transform that bond. I want to transform that slavery into complete freedom for my country. Call it complete independence or whatever you like, I will not quarrel about that word, and even though my countrymen may dispute with me for having taken some other word I shall be able to bear down that opposition so long as the content of the word that you may suggest to me bears the same meaning. Hence I have, times without number, to urge upon your attention that the safeguards that have been suggested are completely unsatisfactory. They are not in the interests of India.

Three experts from the Federation of Commerce and Industry have in their own manner, each in his different manner, told—out of their expert experience—how utterly impossible it is for any body of responsible Ministers to tackle the problem of administration when 80 per cent of her resources are mortgaged irretrievably. Better than I could have shown to you, they have shown out of the amplitude of their knowledge what these financial safeguards mean for India. They mean the complete cramping of India. They have discussed at this table financial safeguards but that includes necessarily the question of Defence and

the question of the Army Yet while I say that the safeguards are unsatisfactory as they have been presented, I have not hesitated to say, and I do not hesitate to repeat that the Congress is pledged to giving safeguards, endorsing safeguards which may be demonstrated to be in the interests of India

At one of the sittings of the Federal Structure Committee I had no hesitation in amplifying the admission and saying that those safeguards must be also of benefit to Great Britain I do not want safeguards which are merely beneficial to India and prejudicial to the real interests of Great Britain The fancied interests of India will have to be sacrificed The fancied interests of Great Britain will have to be sacrificed The illegitimate interests of India will have to be sacrificed The illegitimate interests of Great Britain will also have to be sacrificed Therefore, again I repeat, if we have the same meaning for the same word I will agree with Mr Jayakar, with Sir Tej Bahadur Sapru and other distinguished speakers who have spoken at this Conference

I will agree with them all that we have after all, after all these labours, reached a substantial measure of agreement, but my despair, my grief, is that I do not read the same words in the same light The implications of the safeguards of Mr Jayakar, I very much fear, are different from my implications, and the implications of Mr. Jayakar and myself are perhaps only different from the implications that Sir Samuel Hoare, for instance, has in mind, I do not know We have never really come to grips We have never come to brass tacks as you put it, and I am anxious—I have been pining—to come to real grips and to brass tacks all these days and all these nights, and I have felt why are we not coming nearer and nearer together,

and why are we wasting our time in eloquence, in oratory, in debating, and in scoring points?

Heaven knows, I have no desire to hear my own voice. Heaven knows I have no desire to take part in any debating. I know that liberty is made of sterner stuff, and I know that the freedom of India is made of much sterner stuff. We have problems that would baffle any statesman. We have problems that other nations have not to tackle. But they do not baffle me, they cannot baffle those who have been brought up in the Indian climate. Those problems are there with us. Just as we have to tackle our bubonic plague, we have to tackle the problem of malaria. We have to tackle, as you have not, the problem of snakes and scorpions, monkeys, tigers and lions. We have to tackle these problems because we have been brought up under them.

They do not baffle us. Somehow or other we have survived the ravages of these venomous reptiles and various creatures. So also shall we survive our problems and find a way out of those problems. But to-day you and we have come together at a Round Table and we want to find a common formula which will work.

Please believe me that whilst I abate not a little of the claim that I have registered on behalf of the Congress, which I do not propose to repeat here, while I withdraw not one word of the speeches that I had to make at the Federal Structure Committee, I am here to compromise, I am here to consider every formula that British ingenuity can prepare, every formula that the ingenuity of such constitutionalists, as Mr Sastri, Dr Tej Bahadur Sapru, Mr Jayakar, Mr Jinnah, Sir Muhammad Shafi and a host of other constitutionalists can weave into being.

I will not be baffled. I shall be here as long as I am

required because I do not want to revive civil disobedience

**Trust the Congress** I want to turn the truce that was arrived at at Delhi into a permanent settlement But for Heaven's sake give me, a frail man, 62 years gone, a little bit of a chance Find a little corner for him and the organisation that he represents You distrust that organisation though you may seemingly trust me Do not for one moment differentiate me from the organisation of which I am but a drop in the ocean I am no greater than the organisation to which I belong. I am infinitely smaller than that organisation, and if you find me a place, if you trust me, I invite you to trust the Congress also Your trust in me otherwise is a broken reed I have no authority save what I derived from the Congress If you will work the Congress for all it is worth, then you can say goodbye to terrorism, then you will not need terrorism To-day you have to fight the school of terrorists which is there with your disciplined and organised terrorism, because you will be blind to the facts or the writing on the wall Will you not see the writing that these terrorists are writing with their blood? Will you not see that we do not want bread made of wheat, but we want bread of liberty, and without that liberty there are thousands today who are sworn not to give themselves peace or to give the country peace

I urge you then to read that writing on the wall I ask you not to try the patience of the people known to be proverbially patient We speak of the mild Hindu, and the Mussalman also by contact good or evil with the Hindu has himself become mild And that mention of the Mussalman brings me to the baffling problem of minorities

Believe me, that problem exists here, and I repeat what I used to say in India—I have not forgotten those words—that without the problem of minorities being solved there is no Swaraj for India, there is no freedom for India. I know that, I realise it, and yet I came here in the hope perchance that I might be able to pull through a solution here. But I do not despair of some day or other finding a real and living solution in connexion with the minorities problem. I repeat what I have said elsewhere that so long as the wedge in the shape of foreign rule divides community from community and class from class, there will be no real living solution, there will be no living friendship between these communities. It will be after all and at best a paper solution. But immediately you withdraw that wedge, the domestic ties, the domestic affections, the knowledge of common birth—do you suppose that all these will count for nothing?

Were Hindus and Mussalmans and Sikhs always at war with one another when there was no British rule, when there was no English face seen there? We have chapter and verse given to us by Hindu historians and by Mussalman historians to say that we were living in comparative peace even then. And Hindus and Mussalmans in the villages are not even to-day quarrelling. In those days they were not known to quarrel at all. The late Maulana Muhammad Ali often used to tell me, and he was himself a bit of an historian. He said "If God" "Allah"—as he called God—"gives me life, I propose to write the history of Mussalman rule in India, and then I will show through documents that the British people have preserved that Aurengzeb was not so vile as he has been painted by the British historian, that the Mogul rule was not so bad as it has been shown to us in British history,

and so on And so have Hindu historians written This quarrel is not old, this quarrel is coeval with this acute shame I dare to say it is coeval with the British advent, and immediately this relationship, the unfortunate, artificial, unnatural relationship between Great Britain and India is transformed into a natural relationship, when it becomes, if it does become, a voluntary partnership to be given up to be dissolved at the will of either Party, when it becomes that, you will find that Hindus, Mussalmans, Sikhs, Europeans, Anglo-Indians, Christians, untouchables, will all live together as one man

I want to say one word about the Princes, and I shall have done I have not said much about the Princes, nor

**Appeal to Princes** do I intend to say much to-night about the Princes, but I should be wronging them and I should be wronging the Congress if I did not register my claim, not with the Round Table Conference but with the Princes It is open to the Princes to give their terms on which they will join the Federation I have appealed to them to make the path easy for those who inhabit the other part of India, and therefore I can make these suggestions for their favourable consideration, for their earnest consideration I think that if they accepted, no matter what they are, but some fundamental rights as the common property of all India, and if they accepted that position and allowed those rights to be tested by the Court, which will be again of their own creation, and if they introduced elements—only elements—of representation on behalf of their subjects, I think that they would have gone a long way to conciliate their subjects They would have gone a long way to show to the world and to show to the whole of India that they do not want to remain undiluted autocrats, but that they are



also fired with a democratic spirit, that they want to become constitutional monarchs even as King George of Great Britain is

Sir, a note has been placed in my hands by my friend Sir Abdul Qayyum, and he asks, will not I say one word about the Frontier Province? I will, and it is this Let India get what she is entitled to and what she can really take, but whatever she gets, whenever she gets it, let the Frontier Province get complete autonomy to-day That Frontier will then be a standing demonstration to the whole of India, and therefore the whole vote of the Congress will be given in favour of the Frontier Province getting provincial autonomy tomorrow Prime Minister, if you can possibly get your Cabinet to endorse the proposition that from tomorrow the Frontier Province becomes a full-fledged autonomous province I shall then have a proper footing amongst the Frontier tribes and convene them to my assistance when those over the border cast an evil eye on India

Last of all, my last is a pleasant task for me This is perhaps the last time that I shall be sitting with you at

negotiations It is not that I want  
 Thanks to All that I want to sit at the same table  
 with you in your closets and to negotiate and to plead with  
 you and to go down on bended knees before I take the  
 final leap and final plunge But whether I have the good  
 fortune to continue to tender my co-operation or not does  
 not depend upon me It largely depends upon you But  
 it may not even depend upon you It depends upon so  
 many circumstances over which neither you nor we may  
 have any control whatsoever Then let me perform this  
 pleasant task of giving my thanks to all from Their

Majesties down to the poorest man in the East End where I have taken up my habitation

In that Settlement which represents the poor people of the East End of London I have become one of them. They have accepted me as a member, and as a favoured member of their family. It will be one of the richest treasures that I shall carry with me. Here too I have found nothing but courtesy, nothing but a genuine affection from all with whom I have come in touch. I have come in touch with so many Englishmen. It has been a priceless privilege to me. They have listened to what must have often appeared to them to be unpleasant, although it was true. Although I have often been obliged to say these things to them they have never shown the slightest impatience or irritation. It is impossible for me to forget these things. No matter what befalls me, no matter what the fortunes may be of this Round Table Conference, one thing I shall certainly carry with me—that is, that from high to low I have found nothing but the utmost courtesy and the utmost affection. I consider that it was well worth my paying this visit to England in order to find this human affection. (Applause) It has enhanced, it has deepened my irrepressible faith in human nature that although Englishmen and Englishwomen have been fed upon lies so often that I see disfiguring your Press, that although in Lancashire the Lancashire people had perhaps some reason for becoming irritated against me I found no irritation and no resentment even in the operatives. The operatives, men and women, hugged me. They treated me as one of their own. I shall never forget that. I am carrying with me thousands upon thousands of English friendships.

## CHAPTER VI

### FIRST ROUND TABLE CONFERENCE.

The first Round Table Conference assembled at St. James' Palace London, on November 12, 1931. There were 57 representatives from India including the States, who were nominated by the Government of India. The British public were fully represented by their spokesmen of three different parties.

In declaring the Round Table Conference open His Majesty the King Emperor gave the following message —  
The King's Speech

"It affords me much satisfaction to welcome in the Capital of my Empire the representatives of the Princes, Chiefs and people of India and to inaugurate their conference with my Ministers and with representatives of the other parties composing the Parliament in whose precincts we are assembled.

"More than once the Sovereign has summoned historic assemblies on the soil of India but never before hence British and Indian statesmen and Rulers of Indian States met, as you now meet, in one place and round one table to discuss the future system of government for India and seek agreement for the guidance of my Parliament as to the foundations upon which it must stand.

"Nearly ten years ago, in a message to my Indian Legislature, I dwelt upon the significance of its establishment in the constitutional progress of India. Ten years is but a brief span in the life of any nation, but this decade has witnessed not only in India but throughout

all the nations forming the British Commonwealth, a quickening and growth in ideals and aspirations of nationhood which defy the customary measurement of time. It should, therefore, be no matter of surprise to the men of this generation that, as was then contemplated, it should have become necessary to estimate and review the results of what was begun ten years ago and to make further provision for the future. Such a review has been lately carried out by the Statutory Commission appointed by me for that purpose and you will have before you the outcome of their labours, together with other contributions which have been or can be made to the solution of the great problem confronting you.

"No words of mine are needed to bring home to you the momentous character of the task to which you have set your hands. Each one of you will, with me, be profoundly conscious how much depends, for the whole of the British commonwealth, on the issue of your consultations. This community of interest leads me to count it as of happy augury that there should be present to-day the representatives of my Governments in all the Sister States of that Commonwealth.

"I shall follow the course of your proceedings with the closest and most sympathetic interest and not indeed without anxiety, but with a greater confidence. The material conditions which surround the lives of my subjects in India affect me nearly, and will be ever present in your thoughts during your forthcoming deliberations. I have also in mind the just claims of majorities and minorities, of men and women, of town-dwellers and tillers of the soil, of landlords and tenants, of the strong and the weak, of the rich and the poor, of the races, castes and creeds of which the body politic is

composed For these things I care deeply I cannot doubt that the true foundation of self-government is in the fusion of such divergent claims into mutual obligations and in their recognition and fulfilment It is my hope that the future government of India based on this foundation will give expression to her honourable aspirations

"May your discussions point the way to the sure advancement of this end, and may your names go down to history as those of men who served India well and whose endeavours advanced the happiness and prosperity of my beloved people

"I pray that Providence may grant you in bounteous measure, wisdom, patience and goodwill "

After the opening ceremony the conference devoted five days in plenary session to a debate "on the question whether the future constitution of India should be on a federal or unitary basis " This general debate ranged over a wide field, but its most striking feature was declarations from delegates from the Indian States opening the way to the consideration of a new federal constitution for India embracing both British and Indian States

On the conclusion of the general debate the Conference decided to set up a "Federal Relations Committee to consider the structure of a federal system of government in India as regards relations between Indian States and British India, and relations between Provinces of British India and the Centre, including the question of responsibility at the Centre, and to recommend the main principles to be applied "

It was, however, found more convenient to work through a Committee of the whole Conference, instead of through this Committee, and the Committee of the whole set up nine sub-Committees to consider the following questions —

(1) **Federal Structure Committee** to consider  
(a) The component elements of Federation (b) The type of Federal Legislature and the number of Chambers of which it should consist (c) The powers of the Federal Legislature (d) The number of members composing the Federal Legislature, and if the Legislature is of more than one Chamber, of each Chamber and their distribution among the federating units (e) The method whereby representatives from British India and from the Indian States are chosen (f) The constitution, character, powers and responsibilities of the Federal Executive

(2) **Provincial Constitution Committee** to consider the powers of the Provincial Legislatures, the constitution, character, powers and responsibilities of the Provincial Executives

(4) **Minorities Committee** to consider the provision to be made to secure the willing co-operation of the minorities and the special interests

(4) **Burma Committee** to consider the nature of the conditions which would enable Burma to be separated from British India on equitable terms and to recommend the best way of securing this end

(5) **North-West Frontier Province Committee** to consider what modifications, if any, are to be made in the General Provincial Constitution to meet the special circumstances of the North-West Frontier Province

(6) **Franchise Committee** to consider on what main principles is the Franchise to be based for men and women

(7) **Defence Committee** to consider questions of political principle relating to Defence, other than strictly constitutional aspects to be considered by the Federal Structure Committee

(8) **Services Committee** to consider the relations of the Services to the new political structures

(9) **Sind Committee** to consider the question of constituting Sind as a separate Province

### FEDERAL COMMITTEE REPORT.

The Federal Structure Sub-Committee was appointed to consider and report upon the following four Heads of discussion which were framed for the Federal Relations Committee —(1)—The component elements of the Federation (2)—The type of Federal Legislature and the number of Chambers of which it should consist (3)—The powers of the Federal Legislature (4)—The constitution, character, powers and responsibility of the Federal Executive

The Sub-Committee's conclusions were as follows —

The component elements of the Federation should be on the one hand (a) the federating Provinces of British

India, and on the other hand, (b)  
 1 Elements of such Indian States or groups of  
 Federation States as may enter the Federation

Provision should be made for the subsequent entry from time to time of such further States or groups of States as agree to enter the Federation

• So far as British India is concerned, the federating organism will be neither the Government of British India

as it exists at present, nor autonomous Provinces released from the central tie. The process of Federation will involve the creation of a new State which will derive its powers, (a) in part from the powers which the States will agree to concede to the Crown, to be placed at the disposal of the new Federation, and (b) in part from the transfer to it of such of the powers of the Central Indian Government (and also it may be of the Provincial Governments) as may be agreed to be necessary for the purpose of the Federation.

- The Federal Legislature should consist of two Chambers, each containing representatives of both British India and the States
- II. Type of Federal Legislature

The method whereby the representatives of British India are to be chosen was not referred to this Sub-Committee, but the Princes made it clear that in their opinion the method by which the States' representatives should be chosen will be a matter for the States themselves. If and so long as there are any reserved subjects it will be necessary for the Crown to be represented in both Chambers.

Differences between the two Chambers might be determined either at a joint session or by other means, by vote, whether by a bare majority or otherwise.

- The Federal Legislature will be clothed with power to legislate upon all the subjects included in it. The inclusion of certain subjects, e.g. Defence and External Affairs, was not specially considered, since these subjects in particular, though not exclusively, raise the question of the relations between the Executive in India and the Crown—a matter not within the Sub-
- III Powers of Federal Legislature.



Committee's terms of reference It is of the essence of a Federal constitution that the enactments of the Federal Legislature acting within its legal scope should have full force and effect throughout all units comprised in the Federation

The Sub-Committee are strongly of opinion that there should be only a single Legislature to deal with Federal subjects proper and with any subjects which cannot at present be either federalised or completely provincialised

Proceeding on the basic assumption that the constitution will recognise the principle that the responsibility for the Federal Government of India

IV. Federal Executive. will in future rest upon Indians themselves the Sub-Committee opined

that the proper method of giving effect to this principle is, following the precedent of all the Dominion constitutions, to provide that executive power and authority shall vest in the Crown, or in the Governor-General as representing the Crown, and that there shall be a Council of Ministers appointed by the Governor-General and holding office at his pleasure to aid and advise him The Governor-General's Instrument of Instructions will then direct him to appoint as his Ministers those persons who command the confidence of the Legislature and the Governor-General, in complying with this direction, will, of course, follow the convention firmly established in constitutional practice throughout the British Commonwealth of inviting one Minister to form a Government and requesting him to submit a list of his proposed colleagues

*Definition of Responsibility* —The Governor-General, having thus chosen as his Ministers persons who possess the confidence of the Legislature, it follows that they will retain office only so long as they retain that confidence.



MAHATMA AND A PHOTO

Mahatma Gandhi has a shot at the sun with the camera after luncheon from the Skipper, Captain H. Morton Jack, during his voyage on the *Rajputana* from Bombay to London (Page 80)



This is what the Sub-Committee understand by the responsibility of Government to Legislature, in the sense in which that expression is used throughout the British Commonwealth. The expression also implies in their view that the ministry are responsible collectively and not as individuals, and that they stand or fall together.

*Safeguards*—It is, however, admitted that this broad statement of the principle of responsible government at the Centre, which will be the ultimate achievement of the constitution now to be framed, requires some qualification. There was general agreement in the Sub-Committee that the assumption by India of all the powers and responsibility which have hitherto rested on Parliament cannot be made at one step and that, during a period of transition—

(i) The Governor-General shall be responsible for Defence and External Relations (including relations with the Indian States outside the federal sphere) and that

(ii) in certain situations, which may arise outside the sphere of these subjects, the Governor-General must be at liberty to act on his own responsibility, and must be given the powers necessary to implement his decisions.

*Governor-General's Advisers on Reserved Subjects—*

It was generally agreed that the presence of a person occupying the position of a Minister would be necessary to express the views of the Governor-General on Defence matters in the Legislature, since these will impinge upon strictly federal matters, the same is true of External Relations but there was not an equal measure of agreement with regard to the appointment of a person to represent the Viceroy in this latter subject. It is clear, however,

that the Governor-General must be at liberty to select as his representatives in the reserved sphere any persons whom he may himself choose as best fitted for the purpose, and that on appointment they would, if holding Ministerial portfolios, acquire the right like other Ministers of audience in either Chamber of the Legislature. The suggestion was pressed that any persons so appointed should be regarded as ordinary members of the Council of Ministers, notwithstanding that they would be responsible to the Governor-General and not to the Legislature, and that they should be regarded as liable to dismissal (though they would remain eligible for re-appointment by the Governor-General) with the rest of their colleagues. It is difficult, however, to see how this position could be reconciled with the principle of the collective responsibility of Ministers, and the Sub-Committee find themselves unable to come to any definite conclusions on the matter, though they are of opinion that it merits much more careful examination than they have, in the time at their disposal, been able to give to it.

*Governor-General and his Cabinet* —With this subject is to some degree involved the question of whether the Governor-General should himself preside over the meetings of his Ministers. In the view of the Sub-Committee no hard and fast rule can be laid down. It is clear that, especially in the transition period, occasions may often arise in which his presence would be desirable, and indeed, in certain contingencies, necessary. In these circumstances, it appears to the Sub-Committee that the better course would be to provide in his Instructions that he shall preside when he thinks it desirable to do so leaving the matter to his own discretion and good sense. It is, however, essential that the Governor-General shall be kept

at all times fully informed of the state of public affairs and have the right to call for any papers or information which are at his Minister's disposal

*Governor-General and Reserved Subjects*—It follows from the fact that the Governor-General will be himself responsible for the administration of the reserved subjects, that he should not be dependent for the supply required for them upon the assent of the Legislature, and that the annual supply for their service should be treated along with other matters in a manner analogous to the Consolidated Fund Charges in the United Kingdom. The budget allotment would be settled upon a contract basis for a term of years. It would further be necessary to empower the Governor-General in the last resort to take such steps as may be necessary to ensure that the funds required for the reserved subjects are forthcoming, and also to secure emergency supply for these subjects in excess of the contract budget (e g, in connection with a sudden outbreak of hostilities on the Frontier). It follows that he should be empowered to secure the enactment of such legislative measures as may be essential for the discharge of his responsibility for these subjects.

The Sub-Committee anticipate that in the event of its becoming necessary to use these powers the Governor-General would not ordinarily do so without consulting his Ministers, even though the responsibility for any action taken will be his and not theirs.

*Governor General's Special Powers*—With regard to subjects in the administration of which the Governor-General would normally act on the advice of his Ministers, it was generally agreed that arrangements must be made whereby in the last resort the peace and tranquility of any part of the country must be secured, serious prejudice to

the interests of any section of the population must be avoided, and members of the Public Services must be secured in any rights guaranteed to them by the constitution. It was further agreed that for these purposes the Governor-General must be empowered to act in responsibility to Parliament and to implement his decisions if occasion so demands by requiring appropriation of revenue to be made, or by legislative enactment.

*Use of Governor-General's Special Powers*—Stress was laid in some quarters of the Sub-Committee on the necessity of so defining the use of these powers that they should not be brought into play, in derogation of the responsibility of Ministers, for the purpose of day-to-day administration. It is obvious that the Governor-General would consider his relations with his Ministers and the Legislature before making use of these powers. He will have every inducement to stay his hand as long as possible and to be slow to use his own powers in such a way as to enable his Ministers to cast upon him a responsibility which is properly theirs.

*Finance (Special provisions)*—In the sphere of Finance the Sub-Committee regard it as a fundamental condition of the success of the new constitution that no room should be left for doubts as to the ability of India to maintain her financial stability and credit, both at home and abroad. It would therefore be necessary to reserve to the Governor-General in regard to budgetary arrangements and borrowing such essential powers as would enable him to intervene if methods were being pursued which would, in his opinion, seriously prejudice the credit of India in the money markets of the world. The Sub-Committee recommend, with a view to ensuring confidence in the management of Indian credit and currency, that efforts

should be made to establish on sure foundations and free from any political influence, as early as may be found possible, a Reserve Bank, which will be entrusted with the management of the currency and exchange. With the same object again, provision should be made requiring the Governor-General's previous sanction to the introduction of a Bill to amend the Paper Currency or Coinage Acts on the lines of Section 67 of the Government of India Act. They are further agreed that the service of loans, with adequate provision for redemption, by Sinking Funds or otherwise and the salaries and pensions of persons appointed on guarantees given by the Secretary of State, should be secured, along with the supply required for the Reserved Departments, as Consolidated Fund Charges.

With these limitations the Sub-Committee do not contemplate any differentiation between the position of the Finance Minister and that of any other Minister responsible to the Legislature, and in regard to taxation, fiscal policy and expenditure on objects other than those under the Governor-General's control, he would be responsible only to the Legislature. In this connection the Sub-Committee take note of the proposal that a Statutory Railway authority should be established and are of opinion that this should be done, if after expert examination this course seems desirable.

The Sub-Committee recognise that it may be difficult in existing conditions to set up a Reserve Bank of sufficient strength and equipped with the necessary gold and sterling reserves immediately, and that, therefore, until this has been done some special provisions will be found necessary to secure to the Governor-General adequate control over monetary policy and currency.

*Governor-General's Ordinary Powers* —The Sub-



Committee assume that in addition to the special powers indicated above the Governor-General will continue to have, as at present, the right of refusing his assent to legislative measures, and of returning a Bill for reconsideration, and subject to any Instruction issued to the Governor-General, that the existing powers of reservation and disallowance will remain

*Bills Affecting Religion and Commercial Discrimination* —The question whether Bills relating to such matters as the religion or religious rites and usages of any class of the community should require the Governor-General's previous sanction to introduction will require consideration, as will also the question of discrimination between different sections of the community in matters of trade and commerce. There was general agreement that in these matters the principle of equality of treatment ought to be established, and various methods were suggested for the purpose. The Sub-Committee content themselves, however, with saying that it is one which should be further examined and discussed in consultation with the various interests concerned

*Break-down of Constitution* —In the event of a situation unhappily arising in which persistent and concerted action has succeeded in making the constitution unworkable, adequate powers will have to be vested in the Governor-General for the purpose of enabling the King's Government to be carried on

The general aim of Federal constitutions has been to provide one legislative chamber which represents

The Legislature. primarily all the federating units as such, often on a basis of equal representation for each unit, and a lower chamber which represents, primarily, the population of the whole federal

area and in applying this plan, constitution-makers have commonly provided that the representatives of the federating units in the distinctively federal chamber shall be chosen by the Governments or Legislatures of those units, while the representatives of the population of the federal area shall be returned by some more popular form of election, it has commonly been provided further that the distinctly federal chamber should be the smaller of the two. But India's own practical needs and conditions must be the governing factors, and no constitution, however theoretically perfect, and however closely modelled upon precedents adopted elsewhere, is likely to survive the tests of experience unless it conforms to the needs and genius of the country which adopts it, and unless it is capable of adaptation and modification as the character of these needs is proved in the working. To meet these needs the federal organisation must be conceived not as a rivalry of conflicting elements, but as a partnership for the devising and efficient application by common consent of policies required in the common interest. For such a partnership the stability of the Federal Government is of the first importance.

*The Upper Chamber*—The discussion which took place in the Sub-Committee proceeded without any prior decision upon the all-important question of the relations between, and the respective powers of, the two chambers, and it may well be that some of the opinions now provisionally expressed will require revision. But proceeding simply on the basis that there will be two Chambers, the Upper smaller in size than the Lower, and without any decision as to the relations of one to the other, the balance of opinion was to the effect that the Upper Chamber—which might be described as the Senate—of the

Federal Legislature should be a small body of from 100 to 150 members, whose qualifications should be such as will ensure that it is a body of weight, experience and character. It was thought that this object might be secured by prescribing for the candidature of the British India members qualifications similar to those now in force for the Council of State and the Sub-Committee have no doubt that the rulers of the Indian States, in selecting their representatives, will ensure that they are persons of similar standing.

*Method of Election to Upper Chamber.*—The Sub-Committee are almost unanimously of opinion that the British Indian members of the Senate should be elected by the provincial legislatures, by the single transferable vote.

*Life of the Upper Chamber.*—The Senate itself should not be subject to dissolution like the Lower House, but a fixed proportion of its members would retire and be replaced (or re-elected as the case may be) at regular periods.

*Distribution of Seats in Upper Chamber.*—As regards the distribution of seats in the Senate between the States and British India respectively, the Sub-Committee have to report a difference of view. The States representatives on the Sub-Committee pressed strongly for equality of distribution as between the States and British India. The British Indian representatives, on the other hand, were disposed to claim, on such grounds as area and population, a preponderance of seats for British India, but though opinions differed as to the precise degree of "weightage" to be conceded to the States the Sub-Committee are unanimous that some "weightage" must be given, and that a distribution of seats as between the States and British

India on a strict population ratio would neither be defensible in theory nor desirable in practice. The Sub-Committee trust that if the Conference fails to reach unanimity on this point, a satisfactory solution may yet be found as the result of discussion and accommodation hereafter.

*Distribution of Seats in Upper Chamber between Provinces*—Granted a solution of this question, it has still to be considered how the seats available to the States and British India respectively are to be distributed amongst the individual units of each class. So far as the States are concerned, this must clearly be a matter for agreement by their Rulers in consultation between themselves and, if necessary, with the Viceroy. Difficult problems of grouping are involved, but these matters are outside the scope of the Conference. As regards the Provinces, precedents or other Federal constitutions could no doubt be cited in favour of complete equality as between Province and Province and there was some opinion in the Sub-Committee in favour of this plan. But while the opportunity should no doubt be taken for departing from the traditional appointment as between Province and Province which has survived in the Chambers of the existing Indian Legislature, the Sub-Committee are doubtful whether an arrangement which gave, for instance, to Assam with its  $7\frac{1}{2}$  millions of inhabitants, and Bengal with its  $46\frac{1}{2}$  millions, an equal voice in the counsels of the Nation, would commend itself to general public opinion. On the whole the Sub-Committee would be disposed to regard a distribution as between Province and Province on a population ratio as the most convenient and satisfactory arrangement.

*The Lower Chamber (Size)*—The trend of opinion as to the size of the Lower Chamber was that it should consist

of approximately 300 members, thus providing roughly one representative for each million of the inhabitants of India. On the other hand, the view was strongly expressed that the requirements of efficiency would not be met if the Chamber were to exceed 200 as a maximum. The Sub-Committee as a whole recognise the force of these considerations, and also of the desire for a Chamber of sufficient size to afford a reasonable approach to adequate representation of the population. But since no real approach to this latter ideal could be secured without enlarging the Legislature to an undue extent, the Sub-Committee think that having regard to the great importance which must be attached to efficiency of working, 250 should be adopted as the number of seats to be provided in the Lower Chamber.

*Distribution of Seats in the Lower Chamber.*—In the Lower Chamber the Indian States Delegation do not claim, as they do in the Senate, equality of representation with British India, but here also they claim some greater representation that they would obtain on a strict population ratio. The British Indian representatives on the Sub-Committee were not, however, disposed to contemplate a distribution as between themselves and the States in this Chamber on any other basis than that of population. On this basis approximately 76 per cent of the seats would be assigned to British India and 24 per cent to the States. But while the latter view must be recorded as that of the majority of the Sub-Committee, a substantial minority would regard so great a disparity between the two classes of units as inconsistent with and inimical to the ideal which the Conference has set before itself, and the minority wish strongly to urge upon their colleagues the desirability of subordinating theory to expediency in the

interests of goodwill. No Conference can hope to bear fruit unless its members approach their task in a spirit of accommodation, and accommodation in this matter is, they are confident, not beyond the reach of Indian statesmanship.

The question of the respective powers of the two Chambers has also an obvious bearing on the matter.

*Method of Election to Lower Chamber*—Here again the Sub-Committee regret that they are unable to record a unanimous view. The British Indian representatives almost without exception favour direct election by constituencies arranged on a plan generally similar to that of the "general constituencies" for the existing Legislative Assembly. They maintain that this method of election has not proved in practice inconvenient or unworkable, that such inconvenience as it has hitherto presented will be diminished with the increase which they contemplate in the number of seats available and the consequent decrease in the size of constituencies, that ten years' experience has firmly established it in popular favour, and that resort to any method of indirect election would not be accepted by Indian public opinion. Other members of the Sub-Committee are unable to contemplate as a fitting repository of power and responsibility a Chamber whose members would have so exiguous a link between themselves and the population of the areas they would purport to represent as would be provided by any system of direct election. Assuming for the sake of argument that as many as 200 seats were available for British Indian representatives, they note that the average size of a constituency would be some 4,000 square miles, and that if the due allowance is made for the comparatively small areas of the urban constituencies, the general average

would be even higher. They note that the Franchise Sub-Committee have refrained from making any recommendation on the franchise for the Federal Legislature, consequently they cannot bring themselves to regard as popular representation according to the accepted canons of parliamentary government a system which provides for the "election" of members by an average number of some 5,000 electors scattered over an average area of some 4,000 square miles, and this difficulty would not be removed by an increase in the average number of electors by a lowering of the franchise, for an increase in the number of the voters in such vast constituencies would merely increase the difficulties of establishing contact between the candidate and the voter. But apart from these practical difficulties, some members of the Sub-Committee feel strongly that in the geographical conditions of India any system of direct election would seriously prejudice the success of the Federal ideal. In their view it is of the utmost importance that the tie between the Centre and the units should be as closely knit as possible, and that it should be a tie of natural affinity of outlook and interest and capable of counteracting the centrifugal tendencies which, but for such a counterpoise, will be liable to develop in the Provinces from the increased autonomy now in prospect. In the opinion of those who hold this view the only satisfactory basis for representation in either Chamber of the Federal Legislature is election by the Legislatures of the Provinces. This need not involve the mere reproduction of the Lower Chamber on a smaller scale, if, as is suggested in this Report, special qualifications are prescribed for membership of the Senate. But if this plan is not adopted, and the view prevails that the members of the Assembly should be chosen to represent the populations of the units rather than their Governments

or Legislatures, those members of the Sub-Committee who are opposed to direct election desire to point out that it is not a necessary consequence of a decision in this sense that the populations of the areas should elect their representatives directly. Various devices are known to constitution-makers as alternatives to direct election, and they would strongly urge that every possible alternative should be explored before a final decision is taken.

*Life of the Lower Chamber*—The sub-Committee are of opinion that the term of the Lower Chamber should be five years, unless sooner dissolved by the Governor-General.

*Representation of Special interests and of the Crown in Federal Legislature*—Two further points remain to be mentioned in regard to the composition of the Federal Legislature. Opinion was unanimous in the sub-Committee that subject to any report of the Minorities sub-Committee, provision should be made for the representation, possibly in both Chambers, and certainly in the Lower Chamber, of certain special interests, namely, the Depressed Classes, Indian Christians, Europeans, Anglo-Indians, Landlords, Commerce (European and Indian) and Labour. Secondly, the sub-Committee expressed the view that so long as there are any reserved subjects the Crown should be represented in both Chambers. While the sub-Committee unanimously maintain that recommendation, further discussion has disclosed a difference of view as to the functions of the Crown nominees, and as to their numbers. Some members of the sub-Committee consider that their attendance should be solely for the purpose of explaining the Governor-General's policy on his behalf, and that they should not exercise the right to vote in divisions. Others are of opinion that these persons



should be full members of the Legislature. Some members of the Sub-Committee consider again that the only nominees of the Crown should be the principal advisers of the Governor-General in the administration of the reserved subjects, while others think that the Governor-General should be empowered to nominate a specified number of persons, not exceeding, say, 10, to each Chamber

*Means of securing stability for the Executive*—For the purpose of securing greater stability to the Executive the suggestion was made, and found a large measure of support that Ministers should not be compelled to resign save in the event of a vote of no-confidence passed by a majority of at least two-thirds of the two Chambers sitting together. Ministers against whom less than two-thirds of the votes have been cast on a motion of no-confidence, would not, however, for that reason alone continue to enjoy to any greater extent than before the confidence of the Legislature who would be still able in other ways to make effective their want of confidence. But the sub-Committee are of opinion that some means should be devised whereby in the interests of stability, an adverse vote should not on every occasion necessarily involve the resignation of the Ministry, and that the subject should be further explored

*Position of States' representatives in relation to matters affecting British India only*,—Since the functions of the Federal Government will extend beyond the range of federal subjects and will embrace those matters which are strictly the concern of British India alone, it has to be decided whether the States' representatives in the Federal Legislature should take any part in the debates and decisions on this latter class of matters with which *ex hypothesi* they will not be directly concerned. There is much to be said in favour of treating all members of the

Federal Legislature as entitled and empowered to contribute their share towards the decision of all matters within the range of the Legislature's duties. It would be clearly impossible, so far as the Executive is concerned, (which will, like the Legislature, be composed of representatives of both States and British India) to differentiate the functions of Ministers in such a way as to confine the responsibilities of States' representatives to Federal matters, no workable scheme could be devised with this object which would not cut at the root of the principle of collective responsibility in the Cabinet. For this reason the States desire—with the general assent of the sub-Committee—that their representatives in the Legislature should play their part equally with their British Indian colleagues in expressing the decision of the Legislature on any question which involves the existence of the Ministry, even if the matter which has given rise to the question of confidence is one which primarily affects British India only. At the same time the Princes would prefer that the States' representatives should take no part in the decision of matters which, being outside the range of federal subjects, have no direct interest to the States. It would, no doubt, be possible so to arrange business in the Legislature that Bills or Budget demands of this character should be dealt with either exclusively or in the Committee stage by a Committee (analogous to the Scottish Committee of the House of Commons) consisting of the British Indian representatives alone. Some members of the sub-Committee think, however, that it would be unfortunate to initiate such a system of differentiation, and that, whatever conventions might be observed, it would be undesirable in terms to deprive the Legislature of the contribution which any of its members might be able to make on any matter within the Legislature's purview, and then

think that it would be found in practice difficult, if not impossible, to classify a given matter as being one in which the States have no interest or concern, direct or indirect. The sub-Committee recommend, however, that the matter be further explored

*Competence of the Federal Legislature.*—There is a general recommendation that legislative co-ordination required in respect of certain provincial subjects, or aspects of provincial subjects, should no longer be secured by the process of submitting Provincial Bills on these subjects for the previous sanction of the Governor-General, but firstly by scheduling certain existing Acts (and the same process would, of course, be applied to certain Acts of the Federal Legislature in the future) as being incapable of amendment in their application to a Province by the Provincial Legislature without the previous sanction of the Governor-General and, secondly, by granting concurrent powers of legislation to the Federal Legislature on certain aspects of specified provincial subjects. It would be necessary to include a provision that any Provincial Act relating to these subjects which is repugnant to a Federal Act is, to the extent to the repugnancy, to be void

*Residual Powers.*—The sub-Committee draw attention to the fact that, however carefully the lists of Federal, Central and Provincial subjects are drawn up, there is bound to be a residue of subjects not included in any of them. Whether these residuary powers of legislation are to rest with the Federal Government or with the Provinces is a matter on which the sub-Committee have come to no conclusion. Its great importance is, however, manifest and it will need most careful consideration at a later stage.



**AFTER SEEING THE PREMIER**

Mahatma Gandhi is seen leaving the Dorchester Hotel with Mrs. Naidu where he had a conference with Mr. Ramsay MacDonald, Premier



*Control by the Federal Government over Provincial Governments*—This topic leads naturally to the question of the powers of control to be exercised by the Federal Executive over the Provincial Executive and their nature and extent. It goes without saying that within the range of Federal subjects, the Federal Executive must have authority to ensure that Federal Acts are duly executed in the Provinces, it also goes without saying that within States' territory there can be no question of the exercise of any such authority, direct or indirect, outside the strict range of Federal subjects. But it seems equally evident that in matters affecting more than one Province of British India, even where they relate to subjects classified as Provincial, there must be some authority capable of resolving disputes and of co-ordinating policy when uniformity of policy is in the interests of India as a whole, and the sub-Committee consider that the constitution should recognise his authority as vesting in the Federal Government and should make suitable provision for its exercise.

### PROVINCIAL CONSTITUTION COMMITTEE.

The Provincial Constitution sub-Committee met on the 4th, 5th, 8th, 9th and 15th December. The sub-Committee is agreed that in the Governor's provinces the existing system of dyarchy should be abolished and that all provincial subjects, including the portfolio of law and order, should be administered in responsibility to the provincial legislatures.

*Composition of Provincial Executives*—(a) *Joint Responsibility*—The sub-Committee recommends that there should be unitary executives, and that the individual Ministers composing the executive should be jointly responsible to the legislature.

*Appointment of Ministers*—The responsibility for appointing Ministers will rest with the Governor. The sub-committee is of opinion that in the discharge of that function the Governor should ordinarily summon the member possessing the largest following in the legislature, and invite him to select the Ministers and submit their names for approval. The Ministers should ordinarily be drawn from among the elected members of the provincial legislature. In the event of the appointment of a non-elected non-official, such person should be required by statute to secure election to the legislature (and if the legislature be bicameral, to either chamber) within a prescribed period not exceeding six months, but subject to this limit he may be nominated by the Governor to be a member of the legislature. The sub-Committee is of opinion that there should be no discretion to permit the appointment of an official to the Cabinet.

*Group or communal representation in the Cabinet*—The sub-Committee considers it a matter of practical importance to the success of the new constitutions that important minority interests should be adequately recognised in the formation of the provincial executives. An obligation to endeavour to secure such representation should be expressed in the Instrument of Instructions to the Governor.

*Powers of the Governor*—(a) *In regard to legislature.*  
—(1) The Governor shall have power to dissolve the legislature, he may assent or withhold assent to legislation, he may return a bill for reconsideration by the legislature, or reserve it for the consideration of the Governor-General.

(2) It shall not be lawful without the previous sanction of the Governor to introduce any legislation

(i) affecting the religion or religious rites of any class or community in the Province,

- (ii) regulating any subject declared under the constitution to be a federal or central subject ,
- (iii) any measure repealing or affecting any Act of the federal or central legislature or Ordinance made by the Governor-General

(b) *Conduct of Business* —(1) The Governor shall, with the knowledge of his Ministers, be placed in possession of such information as may be needed by him for the discharge of duties imposed upon him by the constitution

(2) In the opinion of the sub-Committee, the Chief Minister should preside over meetings of the Cabinet , but on any special occasion, the Governor may preside

(c) *Relation of the Governor to his Ministers* —  
(1) The Ministers shall hold office during the pleasure of the Governor

(2) Sub-section 3 of section 52 of the Government of India Act, which confers a general power on the Governor to refuse to be guided by the advice of his Ministers when he sees sufficient cause to dissent from their opinion shall no longer operate The Governor's power to direct that action should be taken otherwise than in accordance with the advice of the Ministers, shall be restricted to the discharge of the specified duties imposed on him by the constitution These duties shall include the protection of minorities and the safeguarding of the safety and tranquility of the Province

(d) *Special and Emergency powers* —There shall be vested in the Governor (1) suitable powers in regard to legislation and finance necessary for the discharge of the specified duties imposed upon him by the constitution and (2) suitable emergency powers to carry on the administra-



## INDIA'S STRUGGLE FOR SWARAJ

tion in the event of a breakdown of government or the constitution. The powers under (2) shall not remain in operation for more than six months without the approval of Parliament expressed by a resolution of both Houses.

The sub-Committee suggests a rider that in their opinion it is desirable that the present rigid convention in Provinces other than the Presidencies of appointing Governors drawn from the Indian Civil Service should be relaxed. (There was some support for the substitution of the word "discontinued" for the word "relaxed".)

*Composition of the Provincial Legislatures*—(a) *Their size*—The sub-Committee anticipates that, to meet the conditions of new constitutions and electorates, the provincial legislatures will require to be enlarged on the basis of ascertained needs, regard being had to the numbers and character of the constituencies.

(b) *Their lifetime*—In the opinion of the sub-Committee the normal lifetime of the provincial legislatures should not exceed five years.

(c) *The official bloc*—With the possible exception of a strictly limited proportion of non-officials who may in some Provinces require to be nominated by the Governor to secure the representation of groups unable to return their own members through the polls, the new provincial legislatures should consist wholly of elected members, and the official bloc should disappear.

*Second Chambers*—The existing provincial legislatures are unicameral. The sub-Committee recognises that the conditions in some provinces may make it desirable that the provincial legislatures should be bicameral; but the decision to incorporate a second chamber in the new constitution of any Province other than Bengal, the United Provinces and Bihar and Orissa where opinion in favour

of a second chamber has already been expressed should not be taken until opinion in the Province definitely favours this course

### MINORITIES COMMITTEE.

The Minorities Sub-Committee was set up to consider claims of minorities. The sub-Committee felt that the first task to which it should address itself was to have an authoritative statement of claims put in by the representatives of each community with proposals as to how their interest should be safeguarded. Opinion was unanimous that, in order to secure the co-operation of all communities, which is essential to the successful working of responsible government in India, it was necessary that the new constitution should contain provision designed to assure communities that their interests would not be prejudiced, and that it was particularly desirable that some agreement should be come to between the major communities in order to facilitate the consideration of the whole question.

One of the chief proposals brought before the sub-Committee was the inclusion in the constitution of a declaration of fundamental rights safeguarding the cultural and religious life of the various communities and securing to every individual, without discrimination as to race, caste, creed or sex, the free exercise of economic, social and civic rights.

The possibility was expressed that under certain conditions the election of the Legislatures might be from a general register, but no agreement was come to regarding these conditions.

Whilst it was generally admitted that a system of joint free electorates was in the abstract the most consistent with democratic principles as generally understood,

and would be acceptable to the Depressed Classes after a short transitional period provided the franchise was based on adult suffrage, the opinion was expressed that, in view of the distribution of the communities in India and of their unequal economic, social and political effectiveness, there was a real danger that under such a system the representation secured by minorities would be totally inadequate, and that this system would therefore give no communal security

Claims were therefore advanced by various communities that arrangements should be made for communal representation and for fixed proportions of seats. It was also urged that the number of seats reserved for a minority community should in no case be less than its proportion in the population. The methods by which this could be secured were mainly three. (1) nomination, (2) joint electorates with reservation of seats, and (3) separate electorates

Nomination was unanimously deprecated

Joint electorates were proposed, with the proviso that a proportion of seats should be reserved to the communities. Thus a more democratic form would be given to the elections, whilst the purpose of the separate electorate system would be secured. Doubts were expressed that, whilst such a system of election might secure the representation of minorities, it provided no guarantee that the representation would be genuine, but that it might, in its working, mean the nomination or, in any event, the election of minority representatives by the majority communities

It was pointed out that this was in fact only a form of community representation and had in practice all the objections to the more direct form of community electorates.

The discussion made it evident that the demand which

remained as the only one which would be generally acceptable was separate electorates. The general objection to this scheme has been subject to much previous discussion in India. It involves what is a very difficult problem for solution, viz, what should be the amount of communal representation in the various Provinces and in the Centre, that, if the whole, or practically the whole of the seats in a Legislature are to be assigned to communities, there will be no room for the growth of independent political opinion or of true political parties, and this problem received a serious complication by the demand of the representative of the Depressed Classes that they should be deducted from the Hindu population and be regarded, for electoral purposes, as a separate community.

It was suggested that, in order to meet the most obvious objection to the earmarking of seats to communities, only a proportion should be so assigned—say 80 per cent, or 90 per cent,—and that the rest should be filled by open election. This, however, was not regarded by some of the communities as giving them the guarantees they required.

The scheme proposed by the late Maulana Muhammad Ali, a member of the Sub-Committee, that, as far as possible, no communal candidate should be elected unless he secured at least 40 per cent of the votes of his own community and at least 5 or 10 per cent according to arrangement, of the votes of the other community, was also considered. It was, however, pointed out that such a scheme necessarily involved the maintenance of communal registers, and so was open to objections similar to those urged against separate electorates.

No claim for separate electorates or for the reservation of seats in joint electorates was made on behalf of women who should continue to be eligible for election on the same

footing as men. But, in order to familiarise the public mind with the idea of women taking an active part in political life and to secure their interim representation on the Legislature, it was urged that 5 per cent of the seats in the first three Councils should be reserved for women and it was suggested that they should be filled by co-option by the elected members voting by proportional representation.

There was general agreement with the recommendation of the (Provincial Constitution) Committee that the representation on the Provincial Executives of important minority communities was a matter of the greatest practical importance for the successful working of the new constitution, and it was also agreed that, on the same grounds, Muhammadans should be represented on the Federal Executive. On behalf of the smaller minorities a claim was put forward for their representation either individually or collectively, on the Provincial and Federal Executives, or that, if this should be found impossible, in each Cabinet there should be a Minister specially charged with the duty of protecting minority interests. The difficulty of working jointly responsible Executives under such a scheme as this was pointed out.

As regards the administration, it was agreed that recruitment to both Provincial and Central Services should be entrusted to Public Service Commissions, with instructions to reconcile the claims of the various communities to fair and adequate representation in the Public Services, whilst providing for the maintenance of a proper standard of efficiency.

On behalf of the British commercial community it was urged that a commercial treaty should be concluded between Great Britain and India, guaranteeing to the

British mercantile community trading rights in India equal to those enjoyed by Indian-born subjects of His Majesty on the basis of reciprocal rights to be guaranteed to Indians in the United Kingdom. It was agreed that the existing rights of the European community in India in regard to criminal trials should be maintained.

The discussion in the Sub-Committee has enabled the Delegates to face the difficulties involved in the schemes put up, and though no general agreement has been reached, its necessity has become more apparent than ever.

It has also been made clear that the British Government cannot, with any chance of agreement, impose upon the communities an electoral principle which, in some feature or other, would be met by their opposition. It was therefore plain that, failing an agreement, separate electorates with all their drawbacks and difficulties, would have to be retained as the basis of the electoral arrangements under the new constitution. From this the question of proportions would arise. Under these circumstances, the claims of the Depressed Classes will have to be considered adequately.

The Sub-Committee, therefore, recommends that the Conference should register an opinion that it was desirable that an agreement upon the claims made to it should be reached, and that the negotiations should be continued between the representatives concerned, with a request that the result of their efforts should be reported to those engaged in the next stage of these negotiations.

The Minorities and Depressed Classes were definite in their assertion that they could not consent to any self-governing constitution for India unless their demands were met in a reasonable manner.

### BURMA COMMITTEE.

The Burma Sub-Committee met on the 5th, 8th, and 9th December, 1930 and arrived at following conclusions

The Sub-Committee ask His Majesty's Government to make a public announcement that the principle of separation is accepted, and that the prospects of constitutional advance towards responsible government held out to Burma as part of British India will not be prejudiced by separation

The Sub-Committee are of opinion that the legitimate interests of Indian and other minorities must be safeguarded. They are not in a position to advise as to the particular form of protection these interests require. They consider that when the details of the constitution of Burma are being discussed, the fullest opportunity should be given to all minorities and to the Government of India to represent their views and to state the nature and extent of the safeguards they consider necessary. The Sub-Committee consider that adequate attention should be paid to the question of immigration of Indian Labour and that provision should be made for the regulation of the conditions of both the work and life of the immigrants. The Sub-Committee also especially stress the importance of there being no discrimination as regards Indians entering Burma.

There must be a financial settlement between India and Burma.

The questions are very difficult and technical, and the Sub-Committee consider that they should be dealt with in the manner recommended by the Government of India.

The Sub-Committee also recommend that when the case has been thoroughly explored by the experts of the two Governments, the statements prepared by these

experts should be laid before the Standing Finance Committees of the Indian Legislative Assembly and the Burma Legislative Council respectively, and that representatives of these Committees should be associated with the experts in the proceedings of the Arbitral Board

The Sub-Committee also endorse the view expressed by the Government of India in their Despatch regarding "the great desirability of adjusting the relations between the two countries in a spirit of reason and mutual accommodation so as to avoid as far as possible the ill effects which might arise from so great a change in long established practice." They venture to express the hope that all negotiations between the two Governments, whether in relation to the financial adjustment or to other matters, will be approached in this spirit

The Sub-Committee recognise that adequate arrangements must be made for the defence of Burma after separation, but they consider that the precise nature of these arrangements must be decided in the light of expert military opinion

The Sub-Committee note the fact that arrangements for the taking over of the administration of subjects now classed as Central in the Devolution Rules must be made by the Government of Burma. The Sub-Committee recommend that it should be considered whether, subject to the consent of the Government of India and on terms to be arranged, the Government of Burma should continue to make use of certain scientific Services of the Government of India

The Sub-Committee express the hope that it may be found possible to conclude a favourable Trade Convention between India and Burma. They believe that a Trade Convention would benefit both countries, and they think



it important that separation should cause a minimum disturbance of the close trade connections that exist between the two countries

### N. W. F. PROVINCE COMMITTEE.

The North West Frontier Province Sub-Committee held meetings on the 18th and 30th December, 1930, and on the 1st January, 1931. The Sub-Committee is unanimous in attaching urgent importance to the need for reform in the North West Frontier Province. It recommends that the five administered districts should cease to be as they are at present a centrally administered territory under the direct control of the Government of India, and that they should be given the status of a Governor's province, subject to such adjustment of detail as local circumstances require, and the extent of the All-India interests in the province necessitate.

*Classification of Provincial Subjects*—The Sub-Committee recommends that, as in other Governors' provinces, there should be a classification of provincial subjects entrusted to the charge of the provincial government. The precise discrimination of subjects between the Centre and the North West Frontier Province will require careful investigation, if necessary, by a specially constituted committee following broadly the lines of the classification in other provinces. Subject to the findings of such a committee the sub-Committee contemplates that the charge of the ordinary civil police in the five administered districts excluding the frontier constabulary will pass to the provincial government of these districts, but in view in particular of the close relation of the province with matters of defence and foreign policy the Sub-Committee considers it essential that all matters of

All-India importance and all matters connected with the control of the tribal tracts, for instance, the frontier constabulary, frontier remissions and allowances, and strategic roads should be excluded from the purview of the provincial government and classed as central subjects. The broad point is that in making the dividing line between central and provincial subjects, regard would be had to the need for classifying as central certain subjects of All-India importance peculiar to the present administration of the North West Frontier Province, which could not properly be entrusted to the provincial legislature.

*The Executive.*—The Sub-Committee recommends that the Executive should consist of the Governor assisted by the advice of two ministers drawn from the non-official members of the legislature, at least one of whom shall be elected.

The Governor should also function as Agent to the Governor General for the control of the tribal tracts, and the administration of central subjects peculiar to the North West Frontier Province. With these subjects, since they will be not provincial but central subjects the ministers will have no concern. The Sub-Committee considers it essential owing to the close inter-relation between the trans-border tracts and the settled districts and in order that All-India interests may be adequately secured that in addition to possessing all the powers vested in the Governor of a Governor's province, the Governor of the North West Frontier Province should be the effective head of the Provincial administration and should preside over the meetings of his own cabinet.

*The Legislature* —(1) A unicameral legislative Council. The Sub-Committee recommends that there should be set up for the five administered districts a single-chamber

legislative Council with power to pass legislation and vote supply in regard to all subjects that may be classed as provincial. In addition the legislature should possess the usual powers of deliberation and of interpellation.

(ii) The size of the legislature should be suited to the convenience of the constituencies. The Sub-Committee contemplates a legislative Council with a probable total membership, elected and nominated, of not more than 40 members.

(iii) The Sub-Committee considers that the legislature should, for the present, be composed both of elected and of nominated members which shall not exceed 14 in a house of 40, and of the nominated members not more than six to eight should be officials.

(iv) The Sub-Committee suggests that the franchise in the North West Frontier Province should be examined by the Franchise Committee to be set up to report on the franchise in all provinces.

(v) Subject to such recommendations as the Minorities Sub-Committee may make, this Sub-Committee considers that if Muslims are given weightage in provinces where they are in minority, the Hindus and Sikhs in the North West Frontier Province should be given weightage in the legislature of that province. Their representation might be three times the figure to which they would be entitled on a population basis.

*The Financial Settlement.*—The Sub-Committee is satisfied from figures placed before it that on subjects which may be expected to be classed as provincial, the province will show a large financial deficit. It follows that the provincial government will require financial assistance from central (or federal) revenues. The Committee suggests that there should be preliminary

expert investigation into the allocation of expenditure between central and provincial heads to supply the basis from which the financial subvention from central (or federal) revenues may be calculated. The Sub-Committee apprehends that if the subvention be open to debate annually in the central (or federal) legislature, the substance of provincial autonomy in the North West Frontier Province may be impaired. It suggests that the difficulty might be met by an agreed convention that each financial assignment should run undisturbed for a period of years.

### FRANCHISE COMMITTEE.

The Franchise Sub-Committee met on the 19th, 22nd, and 30th of December, 1930, and on the 1st of January, 1931.

In their discussion of the franchise principles the Committee have found that they were closely connected with questions which more properly concern the composition of the legislature, the nature of the constituencies, and the qualifications of candidates for election. Those points have not been considered in the Sub-Committee as they fall outside its terms of reference but the Committee are of opinion that they should be further examined since the efficacy of any franchise system depends as much on these points as on the qualifications for the franchise.

*Extension of the franchise*—While it was generally held that adult suffrage was the goal which should ultimately be attained, it was agreed that the basis of the franchise could forthwith be broadened and that a large increase was desirable.

Some difference of opinion existed as to the extent to which this was practicable in present circumstances, and

it was realised that the Sub-Committee had not the necessary material to determine the precise limits of the advance. The Statutory Commission suggested such an increase in the number of electors as would bring that number up to 10 per cent of the total population. Some of the members thought that an increase to 25 per cent. of the total population was immediately practicable.

The Committee recommend that an expert Franchise Commission should be appointed with instructions to provide for the immediate increase of the electorate so as to enfranchise not less than 10 per cent of the total population and indeed a large number—but not more than 25 per cent. of the total population—if that should, on a full investigation, be found practicable and desirable.

The Committee recommended that, in addition to providing for this increase, the Commission should consider the introduction of a scheme by which all adults not entitled to a direct vote would be grouped together in primary groups of about 20 or in some other suitable manner, for the election of one representative member from each group who would be entitled to vote in the Provincial elections either in the same constituencies as the directly qualified voters or in separate constituencies to be formed for them.

*Uniformity of qualifications for the franchise*—The Committee recommend that in any given area the franchise qualifications should be the same for all communities, but they desire that the Franchise Commission in making their proposals should bear in mind that the ideal system would as nearly as possible give each community a voting strength proportional to its numbers and that the Commission should so contrive their franchise system as to secure this result in so far as it may be practicable.



Charlie Chaplin met Mahatma Gandhi in London and had just  
a quiet and informal chat for twenty minutes (Page 109)



*Property qualification*—The Committee consider there should be a property qualification for the franchise and that in this connexion the word "property" should be understood in its widest sense as including not only ownership of landed property but also the occupation of landed or house property or the receipt of income or wages whether in cash or kind

*Educational qualification*—The Committee are of opinion that the Franchise Commission should consider the possibility of framing a suitable educational qualification as an additional qualification for the franchise

*Military service qualification*—The Committee are agreed that the existing Military Service qualification should be retained and recommend that the Franchise Commission should consider the extension of this qualification so as to include service in the Auxiliary and Territorial Forces

*Special franchise qualification for women*—The Committee observe that under the existing franchise the number of women voters is infinitesimal as compared with that of men. No system of franchise can be considered as satisfactory, or as likely to lead to good government where such a great disparity exists between the voting strength of the two sexes. The Committee do not anticipate that the recommendations they have already made will reduce this disparity, nor do they think that they provide sufficiently for the enfranchisement of women. Therefore the Committee agree that special qualifications should be prescribed for women but feel that there is not sufficient material to justify an attempt to formulate these special qualifications. The Committee recommend that the Franchise Commission should devote special attention to this question in the light of all the



evidence available including the recommendations of the Statutory Commission and the suggestion made in this Sub-Committee that the age limit mentioned in the proposals of the Statutory Commission should be lowered from 25 to 21

*The franchise for special constituencies*—The Committee are of opinion that the franchise qualifications for special constituencies depend essentially on the nature of those constituencies. The Committee are not empowered to consider the latter point nor are in possession of information as to what special constituencies are contemplated. These questions require examination by a competent body. So far as the franchise aspect has been discussed in this Sub-Committee, a division of opinion has shown itself as to the desirability of permitting a voter qualified in both a general and a special constituency to vote in both

*Urban and rural enfranchisement*—The Committee are of opinion that the Franchise Commission should endeavour so to adjust the franchise qualifications as to remove in those areas where it may exist any marked disparity in the operation of the franchise qualification in urban as compared with rural areas

*The residential requirement*—The Committee are of opinion that the residential qualification for the vote required by the electoral rules of certain Provinces should be abolished

*The future electorate*—The Committee consider it inadvisable to lay down any programme of automatic extensions of the franchise. The Committee prefer that it should be left to each Provincial Legislature to extend its franchise at its discretion after the lapse of 10 years from the date of the introduction of the new Constitutions

*Franchise for the Central or Federal Legislature*  
 form of the Central or Federal Legislature has not been decided and in these circumstances we do not find it possible to make any suggestions regarding a suitable franchise system

## DEFENCE COMMITTEE

The Sub-Committee met on the 7th, 9th, 12th, and 14th January, 1931, and submitted the following report

The discussion in the Sub-Committee centred mainly round the question of Indianisation, and every aspect of this question received thorough attention. It was unanimously agreed that in a matter of such importance as Defence, the utmost care was necessary in expressing opinions, and the Sub-Committee as a whole was very anxious not to create the impression that anyone in any way or to any degree wanted to say anything that could even remotely tend to imperil the safety of the country or to weaken the strength of the Army. It was in view of this general feeling that all sections of the Sub-Committee emphasized the importance of maintaining the same standard of efficiency in training as prevails now in England. The Sub-Committee also recognised that in dealing with the question of Defence it was not possible to overlook that a factor that must govern all considerations of the subject was the responsibility of the Crown through the Committee of Imperial Defence, which body was ultimately responsible for examining all these problems. It was realised that the responsibility of the Committee of Imperial Defence was not something that was special to India, but was common to the Empire as a whole.

Subject to the above matters of agreement, the general discussion regarding Indianisation was on the following

lines. The majority of the Sub-Committee considered it impossible for practical reasons to lay down any definite rate of Indianisation or anything of a precise character that might in any way embarrass those responsible for Defence and fetter the judgment or the discretion of the military authorities. Those that held this view felt that the principle of the Indianisation of officers of the Indian Army could not be looked upon as merely a question regarding the efficiency of a single officer or group of officers, or even of a single unit or group of units. It was a principle that to the majority appeared to affect the Army as a whole. It was in consequence the view of this large section of the Sub-Committee that a highly technical question was involved on which the Sub-Committee was not qualified to express an opinion. One section of the Sub-Committee, however, was in favour of a strong affirmation to the effect that the complete Indianisation of the officers in the Indian Army should take place within a specified period, subject of course to the requirements of efficiency, and further subject to the provision of suitable candidates for recruitment as officers in India. Those members who were of this opinion held the view that this was not a technical question at all, but involved only practical considerations. The difference in these two views being fundamental, the Sub-Committee decided to incorporate these in its report, and the Chairman further undertook that, when, in pursuance of the resolutions of this Sub-Committee, expert committees were appointed, those expert Committees would as a matter of course take into consideration the proceedings of previous Committees and in particular the proceedings of the Military Requirements Committee of 1921 and the Committee on the Indianisation of the Indian Army of 1922.

Subject to the above the Sub-Committee arrived at the following definite resolutions —

(1) The Sub-Committee consider that with the development of the new political structure in India, the Defence of India must to an increasing extent be the concern of the Indian people, and not of the British Government alone

(2) In order to give practical effect to this principle, they recommend—

(a) That immediate steps be taken to increase substantially the rate of Indianisation in the Indian Army to make it commensurate with the main object in view, having regard to all relevant considerations, such as the maintenance of the requisite standard of efficiency

(b) That in order to give effect to (a) a training college in India be established at the earliest possible moment, in order to train candidates for commissions in all arms of the Indian defence services. This college would also train prospective officers of the Indian State Forces. Indian cadets should, however, continue to be eligible for admission as at present to Sandhurst, Woolwich, and Cranwell

(c) That in order to avoid delay the Government of India be instructed to set up a Committee of Experts, both British and Indian (including representatives of Indian States) to work out the details of the establishment of such a college

(3) The Committee also recognise the great importance attached by Indian thought to the reduction of the number of British troops in India to the lowest possible figure and consider that the question should form the subject of early expert investigation

A view was expressed that an addition should be made to these resolutions to the effect that the Sub-Committee recognized that no action should be taken so as to prejudice in any way the power of the Crown to fulfil military obligations arising out of treaties with particular Indian States. It was ruled, however, and accepted by the sub-Committee that such a specific declaration was unnecessary, the Chairman giving an undertaking that neither this Sub-Committee nor any other Committee could in any way abrogate treaty obligations and engagements that were in operation.

In agreeing to the foregoing recommendations the Committee were unanimous in their view that the declaration must not be taken as a mere pious expression of opinion, but that immediately the Conference was concluded, steps should be taken to deal effectively with the recommendations made.

The advisability of establishing a Military Council including representatives of the Indian States was agreed to.

### SERVICES COMMITTEE

The Sub-Committee met on the 6th, 7th, 8th, 9th, 12th, and 13th of January, 1931, and submitted the following report.

*Existing members of the Services*—In as much as the Government of India Act and the rules made thereunder by the Secretary of State in Council guarantee certain rights and safeguards to members of the Services, due provision should be made in the new constitution for the maintenance of those rights and safeguards for all persons who have been appointed before the new constitution comes into force.

When the new constitution is drawn up suitable safeguards for the payment of pensions (including family pensions) and provident funds, should be provided

As it is important that those responsible for the working of the new constitution should not at its initiation be embarrassed by the economic waste and administrative difficulties which a change of staff on a large scale would entail, it is desirable to take such steps as are necessary to reassure existing members of the Services with the view that they may serve with loyalty and efficiency for their normal term

To this end the Sub-Committee agreed that the right to retire on proportionate pension should be extended, but opinion was divided as to whether the extension should be for an unlimited term or for a definite period of years, not exceeding five years

*Future recruitment for the All-India Services*—The sub-Committee recommend that for the Indian Civil and Indian Police Services recruitment should continue to be carried out on an All-India basis, but the majority of the Committee are of opinion that recruitment for Judicial Officers should no longer be made in the Indian Civil Service. The Indian Forest Service and the Irrigation Branch of the Indian Service of Engineers should be provincialised

*The recruiting and controlling authority for the future All-India Services*—Since we are recommending that the Indian Forest Service and the Irrigation Branch of the Indian Service of Engineers should no longer be recruited on an All-India basis, we do not think it necessary to offer any special observations with regard to these two Services

On the question whether we should record any recom-

mentation as to the desirability of securing a continuance of the recruitment of a European element in the Indian Civil Service and the Indian Police Service there was some divergence of opinion

The majority of the Sub-Committee are of opinion that in the case of these two Services it is desirable that some recruitment of Europeans should continue. On the question of the ratio there is a difference of opinion, some holding that for the present recruitment should continue on the lines laid down by the Lee Commission, while others would prefer that the matter should be left for decision by the future Government of India.

Whatever decision may be reached as to ratio, the majority of the Sub-Committee hold that the recruiting and controlling authority in the future should be the Government of India. They would leave to that authority the decision of all questions such as conditions of recruitment, service, emoluments and control. Those who take this view attach importance to complete control over the Services being vested in the Central and Provincial Governments. A minority of the Sub-Committee think that the recruiting authority should be the Secretary of State, since they hold that without an ultimate right of appeal to him and through him to the British Parliament, it will not be possible to secure recruits of the required type for the British element in the Services. Those who take this view consider that adequate control over the members of the Service can be secured to the Indian and Provincial Governments under the Devolution Rules.

There is one further observation we have to make under this head. In existing circumstances the Government of India can and does obtain officers from the Provinces to fill certain central appointments. Under the

new regime we hope that it will be found possible to conclude arrangements between the Government of India and the Provincial Governments so as to secure the continuance of this practice which has obvious advantages

*The Indian Medical Service.*—Subject to paragraph 1, the Sub-Committee are of opinion that in future there should be no civil branch of the Indian Medical Service, and that no civil appointments either under the Government of India or the Provincial Governments should in future be listed as being reserved for Europeans as such

The Civil Medical Services should be recruited through the Public Service Commissions. In Order to provide a war reserve, a clause should be inserted in the contracts of service of a sufficient number of officers that they shall undergo such military training and render such military service as they may be called upon to do. The extra cost involved should be borne as an Army charge

Further, the Governments and Public Service Commissions in India should bear in mind the requirements of the Army and the British officials in India and take steps to recruit a fair and adequate number of European doctors to their respective Civil Medical Services, and should be prepared to pay such salaries as would bring about this result

It is suggested that agreement might be reached between the Central Government and the Provincial Governments whereby the latter in selecting their European doctors might grant a preference to those members of the Indian Medical Service who have performed a period of service with the Army. The Committee contemplate that such members would sever their connexion with the Indian Medical Service during the term of their employment in the Provincial Medical Service—



subject only to the acknowledgment of a claim by the Army authorities in time of emergency. The practical details of any such arrangement would have to be a matter of agreement between the Army authorities and each Provincial Government.

*Public Service Commissions*—(1) In every Province and in connexion with the Central Government a Statutory Public Service Commission shall be appointed by the Governor or Governor-General as the case may be.

(2) Recruitment to the Public Services shall be made through such Commissions in such a way as to secure a fair and adequate representation to the various communities consistently with considerations of efficiency and the possession of the necessary qualifications. This part of the duties of the Public Service Commissions shall be subject in the case of Provincial Commissions to periodical review by the Governor, and in the case of the Central Commission by the Governor-General, both of whom shall be empowered to issue any necessary instructions to secure the desired result.

The Governor shall, before considering any appeal presented to him against any order of censure, of withholding an increment or promotion, of reduction to a lower post, of suspension, removal or dismissal, consult the Commission in regard to the order to be passed thereon.

(3) Members of the Public Service Commissions shall hold office during the pleasure of the Crown and be removable by the Governor, in the case of a Provincial Commission, and by the Governor-General in the case of the Central Commission. They shall, after ceasing to be members of a Commission, be ineligible for a period to be fixed by the Governor or Governor-General as the case

may be for further office under the Crown in India, except that persons who have been members of a Provincial Public Service Commission shall be eligible for appointment as members of the Central Commission or of another Provincial Commission, and *vice versa*.

(4) The Sub-Committee recognise the special position of the Anglo-Indian community in respect of public employment, and recommend that special consideration should be given to their claims for employment in the Services

(5) There should be a statutory declaration that—

(a) No person shall be under any disability for admission into any branch of the Public Services of the country merely by reason of community, caste, creed, or race

(b) Membership of any community, caste, creed, or race shall not be a ground for promotion or supersession in any Public Services

In making this recommendation the Sub-Committee have particularly in mind the case of the Depressed Classes. They desire that a generous policy be adopted in the matter of the employment of the Depressed Classes in Public Service, and in particular recommend that the recruitment to all Services, including the police, should be thrown open to them.

*Internal Administration of the Police*—Subject to the recommendation which has already been made by the "Provincial Constitution" Sub-Committee, that under the new constitution responsibility for law and order should be vested in the Provincial Governments, the question whether in consequence any special recommendation should be made as to the internal administration of the Police

was left to this Sub-Committee. The Committee have given consideration to various suggestions made under this head. Some members of the Sub-Committee think it undesirable to make any recommendation which might be held to impinge upon the discretion of the future Provincial Governments. Others, who consider that the control over the Police Forces at present secured to the Inspectors-General by statute should be preserved, advise that the Police Act of 1861 should not be subject to repeal or alteration by the Legislature without the prior consent of the Governor-General, and that the Police Acts of the Governments of Bombay, Bengal, and Madras should be included in the category of Acts which should not be repealed or altered by the Provincial Legislature without the previous sanction of the Governor-General.

*The Central Services*—The Committee recommend that the Government of India should be the authority for recruitment to the Services which are under the control of Ministers responsible to the Legislature. As regards the Services under the control of the Governor-General, we do not feel called upon to make any recommendation.

### SIND COMMITTEE

The Sub-Committee sat on 12th, 13th and 16th January, and submitted the following report —

They consider that the racial and linguistic differences between the inhabitants of Sind and those of the Presidency of Bombay proper, the geographical isolation of Sind from Bombay, the difficulties of communication between the two, and the insistency with which separation has been advocated, provide an impressive case for the division of Sind from the Bombay Presidency and the creation of a separate Provincial Government there.

They observe that the Government of Bombay have pointed out certain administrative difficulties in the way of the separation of Sind, but they do not believe them to be insuperable

They note that no detailed examination of the financial consequences of separation has yet been made. On the figures available to them they are unable to express an opinion on the financial aspects of the question

The Sub-Committee with two dissentients (Dr Moonje and Raja Narendra Nath) are impressed by the strength of the arguments in favour of separation, and they have come to the conclusion that the principle of separation should be accepted. They therefore recommend that an expert Committee in India should examine carefully the probable revenue and expenditure of a separated Sind and the security of the debt on the Sukkur Barrage, and should also recommend an equitable adjustment of the financial commitments for which Sind may properly be considered liable. If the investigation shows that separation would leave the new Province with a deficit, the Sub-Committee think that the representatives of Sind should be asked to show satisfactorily how the deficit would be met before the new Province is set up

### PREMIER'S DECLARATION

After a lengthy speech delivered at the Plenary Session held on January 19, 1931 the Premier made the following declaration defining British Policy in India, after which the Round Table Conference concluded its first stage —

The view of His Majesty's Government is that responsibility for the Government of India should be placed upon Legislatures, Central and Provincial, with such

provisions as may be necessary to guarantee, during a period of transition the observance of certain obligations and to meet other special circumstances, and also with such guarantees as are required by minorities to protect their political liberties and rights

In such statutory safeguards as may be made for meeting the needs of the transitional period, it will be a primary concern of His Majesty's Government to see that the reserved powers are so framed and exercised as not to prejudice the advance of India through the new constitution to full responsibility for her own government

His Majesty's Government, whilst making this declaration, is aware that some of the conditions which are essential to the working of such a constitution as is contemplated, have not been finally settled, but it believes that as the result of the work done here, they have been brought to a point which encourages the hope that further negotiations, after this declaration, will be successful

His Majesty's Government has taken note of the fact that the deliberations of the Conference have proceeded on the basis, accepted by all parties, that the Central Government should be a Federation of all-India, embracing both the Indian States and British India in a bi-cameral legislature. The precise form and structure of the new Federal Government must be determined after further discussion with the Princes and representatives of British India. The range of subjects to be committed to it will also require further discussion, because the Federal Government will have authority only in such matters concerning the States as will be ceded by their Rulers in agreements made by them on entering into Federation. The connexion of the States with the Federation will remain subject to the basic principle that in regard to all matters not ceded by them

to the Federation their relations will be with the Crown acting through the agency of the Viceroy

With a Legislature constituted on a federal basis, His Majesty's Government will be prepared to recognise the principle of the responsibility of the executive to the Legislature

Under existing conditions the subjects of Defence and External Affairs will be reserved to the Governor-General, and arrangements will be made to place in his hands the powers necessary for the administration of those subjects. Moreover, as the Governor-General must, as a last resort, be able in an emergency to maintain the tranquility of the State, and must similarly be responsible for the observance of the constitutional rights of Minorities, he must be granted the necessary powers for these purposes

of dualism which will have to be fitted into the constitutional structure.

The provision of reserved powers is necessary in the circumstances and some such reservation has indeed been incidental to the development of most free constitutions. But every care must be taken to prevent conditions arising which will necessitate their use. It is, for instance, undesirable that Ministers should trust to the special powers of the Governor-General as a means of avoiding responsibilities which are properly their own, thus defeating the development of responsible Government by bringing into use powers meant to lie in reserve and in the background. Let there be no mistake about that.

The Governors' Provinces will be constituted on a basis of full responsibility. Their Ministries will be taken from the Legislature and will be jointly responsible to it. The range of Provincial subjects will be so defined as to give them the greatest possible measure of Self-Government. The authority of the Federal Government will be limited to provisions required to secure its administration of Federal subjects, and so discharge its responsibility for subjects defined in the constitution as of all-India concern.

There will be reserved to the Governor only that minimum of special powers which is required in order to secure, in exceptional circumstances, the preservation of tranquillity, and to guarantee the maintenance of rights provided by Statute for the Public Services and minorities.

Finally, His Majesty's Government considers that the institution in the Provinces of responsible government requires both that the Legislatures should be enlarged and that they should be based on a more liberal franchise.

In framing the Constitution His Majesty's Government considers that it will be its duty to insert provisions



MATHEW ASHBY  
Mahatma Gandhi sleeping on the open door of the Rajputana  
on his way to London



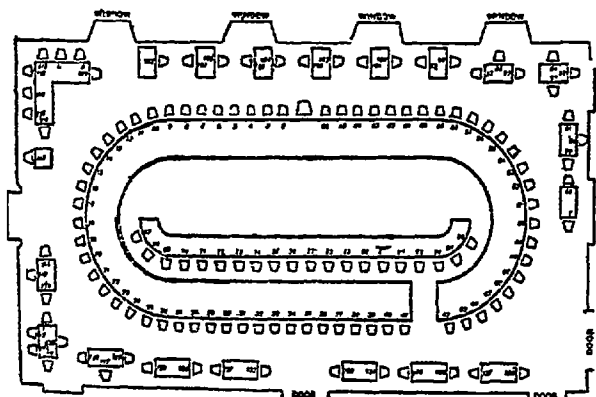


guaranteeing to the various minorities, in addition to political representation, that differences of religion, race, sect or caste, shall not themselves constitute civic disabilities

In the opinion of His Majesty's Government it is the duty of the communities to come to an agreement amongst themselves on the points raised by the Minorities Sub-Committee but not settled there. During the continuing negotiations such an agreement ought to be reached and the Government will continue to render what good offices it can to help to secure that end, as it is anxious not only that no delay should take place in putting the new Constitution into operation, but that it should start with the good will and confidence of all the communities concerned

The various sub-Committees which have been studying the more important principles of a Constitution which would meet Indian conditions have surveyed a considerable part of the structure in detail and the still unsettled points have been advanced a good way to an agreement. His Majesty's Government, however, in view of the character of the Conference and of the limited time at its disposal in London, has deemed it advisable to suspend its work at this point, so that Indian opinion may be consulted upon the work done, and expedients considered for overcoming the difficulties which have been raised. His Majesty's Government will consider, without delay, a plan by which our co-operation may be continued so that the results of our completed work may be seen in a new Indian Constitution. If, in the meantime, there is a response to the Viceroy's appeal to those engaged at present in civil disobedience, and others wish to co-operate on the general lines of this declaration, steps will be taken to enlist their services

I must convey to you all on behalf of the Government its hearty appreciation of the services you have rendered not only to India but to this country, by coming here and engaging in these personal negotiations. Personal contact is the best way of removing those unfortunate differences and misunderstandings which too many people on both sides have been engendering between us in recent years. A mutual understanding of intention and difficulty, gained under such conditions as have prevailed here, is by far the best way for discovering ways and means of settling differences and satisfying claims. His Majesty's Government will strive to secure such an amount of agreement as will enable the new Constitution to be passed through the British Parliament and to be put into operation with the active good-will of the people of both countries.



*A view of the First Round Table Conference*  
The table is not quite round but horse-shoe shaped

## CHAPTER VII

### SECOND ROUND TABLE CONFERENCE.

The Second Round Table Conference met in London on the 5th of September, 1931, to discuss the question of India's constitutional advance. The proceedings terminated after negotiations had been carried on for eleven weeks, though the purpose for which it was convened was not accomplished.

During these days serious and at times animated discussions took place in connexion with the different committees that were set up to facilitate the work of the Conference viz, the Federal Structure Committee, the Finance Committee, the Minorities Committee, Defence and External Relations Committee etc. Reports of these Committees were placed before the Conference at its plenary session.

These subsidiary Committees were limited, by the very nature of their terms of reference, to give their considered opinion on particular issues, which naturally lacked co-ordination. Confusion was made worse because the main outlines of such constitutional advance as the British Cabinet was prepared to concede were not indicated at the first sitting of the plenary session by the Premier. This unusual silence on the part of the Premier about such a vital issue was a source of constant embarrassment to Mahatma Gandhi and other prominent Indian delegates who complained of this procedure of beginning at the wrong end.

Mahatma Gandhi, who went to London as the sole representative of the Indian National Congress with a clear

and definite mandate from it, was no doubt the central figure at the Conference. All eyes were riveted on him; and his pronouncements elucidating, as they did, the views of the Congress, were studied with the closest attention not only in Conference circles but also by numerous other institutions and representative individuals. So far as Mahatmaji was concerned, he performed his task in a manner that has extorted the unstinted admiration of the whole world. While not showing the least inclination to obstruct the proceedings of the Conference at any stage, he stood firm regarding the fundamental principles. Nor did he miss a single opportunity of exploring avenues to a solution of the knotty problems. A persistent attempt was made by the members of the British delegation as also by the representatives of some of the Indian Minority Communities to dispute the stand taken by Mahatmaji that the Congress voiced the hopes and aspirations of all classes and communities in India. As a result of subtle propaganda by the die-hard Conservatives, the non-nationalist groups were cleverly manoeuvred into setting up a claim that between themselves they represented 45 per cent of the total population of India. The Premier, who saw in these audacious claims of the pretenders a convenient argument with which to meet Gandhiji, readily swallowed their manifestly absurd statement. But these pretensions were shattered when Mahatmaji challenged them all on behalf of the Congress to a referendum on each of the issues. By a masterly marshalling of facts Mahatmaji completely controverted the statements made by the Premier about the relative position of the Congress and other groups represented at the Conference. Mr. MacDonald cut a sorry figure when, to his utmost discomfort, he found that none rose in his seat to accept the challenge of Gandhiji. The Premier had, therefore,

to recant those portions in his speech where he appeared to question the truth of the position taken up by Gandhiji.

Another form of sinister propaganda in certain interested quarters consisted in foisting the entire blame for the failure of the Second Round Table Conference on Mahatma Gandhi, who was accused of taking up an uncompromising attitude on some of the vital issues. A little reflection will show that there is no basis for such aspersions. Up to the last moment Mahatmajī repeatedly declared in unambiguous terms his readiness to explore all avenues to an honourable settlement of the important issues confronting the Conference. Within a week of his participation in the Conference proceedings, Mahatmajī clearly saw through the game of the British Government and sounded a note of warning that nothing would avail so long as the Government did not speak out its mind on the all-important question of constitutional advance and likened the procedure adopted by the Government to "putting the cart before the horse". Therefore, it becomes clear that Mahatmajī had cherished no illusions from the beginning of the Conference session. And if, even after all that, he stayed till the end, was it not proof positive that he was determined to leave no avenue of settlement unexplored?

The real cause of the failure of the Conference must be sought elsewhere. It lay in the disproportionate emphasis the British delegation placed on a communal settlement. After having approved of the selection of a number of extreme communalists and sectarians as "delegates" and after having interpreted their partisan and even personal views as the voice of India, the members of the British Delegation raised the cry that it was impossible to build any constitutional superstructure

except on the foundation of a communal settlement. Unfortunately enough, the Cabinet also took that illogical view. That being so, the blame for the failure of the Conference should attach not to Gandhiji but to those who played into the hands of the die-hards in their efforts to thwart the attempts of the Congress representative and of the other nationalist delegates. That is how no constitution that even promised anything like the substance of independence could be hammered out at the Conference.

Yet another cause of the failure of the Conference was the packing up of the Conference with men who were incapable of rising above parochial conceptions, even when charged with shaping a nation's destiny. Mahatma Gandhi showed the utmost patience during the discussion of the electorate question. He even went so far as to agree to Separate Electorates, but only after a referendum had been taken on the matter. In doing so he showed a rare spirit of conciliation even at the risk of being severely criticised in India. The failure to solve the communal question was due very largely to the inherent defect in the method employed in choosing the so-called delegates of India. What could be more absurd than the exclusion of Dr. Ansari, an acknowledged leader of an important section of the Muslim community?

From the beginning of the Conference a wholly unbusinesslike procedure was adopted. A great fuss was made over the discussion of non-essential details for several weeks together without the delegates knowing what would be the new powers that would be conceded to the Central Legislature. That was the crux of the whole problem; and, so long as that was not known, the discussions on minor and inessential details were unreci. The most vital subjects on which ideas should have been

made absolutely clear in order to facilitate discussions at the Conference were the questions of responsibility at the Centre, and the control of the Indian Legislature over the Army, Finance and External Relations. And it is exactly on these important questions that the Government could not be drawn into making any statement till at the last session of the Conference. This procedure might have been sufficient to hoodwink the world at large into believing that the British Government were at last parleying on equal terms with the representatives of the Indian people in the common attempt to hammer out a constitution but it would not be very far wrong to say from a study of these tactics on the part of the British Government, that they did not mean business at all. This feeling was voiced by Mahatmaji on more occasions than one. He even went to the length of questioning the good faith of the British Government in inducing him to suspend the Civil Disobedience campaign in India and then come all the way to London.

### THE FEDERAL LEGISLATURE.

The following is the text of Lord Sankey's draft report presented to the Federal Structure Sub-Committee of the Second Round Table Conference.—

The Committee's task at the second session of the Conference was to continue their discussions at the point at which they were left by their report of 13th January 1931, and by the Prime Minister's Declaration of 19th January, and to endeavour, so far as possible, to fill in the outlines of the Federal Constitution for Greater India which was sketched in those documents.

In approaching this task the Committee have been assisted by colleagues who did not share in their earlier



deliberations In this connexion it will be remembered that, in virtue of an agreement recorded in March last the Indian National Congress decided to participate in their labours

Since January last there has been much public discussion of the constitutional proposals which emerged from the last session of the conference The Committee resumed their deliberations with the knowledge of this public discussion, and with the conviction that it is in a Federation of provinces and States that the solution of the problem of India's constitutional future is to be found

A further examination of the problem has confirmed them in the belief that by no other line of development can the ideal in view be fully realised For this purpose it is essential that the "India" of the future should include along with British India that "Indian India" which, if Burma is excluded, embraces nearly half of the area and nearly one-fourth of the population of the country—an area and population, moreover, which are not self-contained and apart geographically or racially, but are part and parcel of the country's fabric: and its constitution must be drawn on lines which will provide a satisfactory solution for the problem of the existence side by side of future self-governing provinces and of States with widely varying polities and different degrees of internal sovereignty whose fortunes are, and must continue to be, closely interwoven

The Committee rejoice to think that Princes, while naturally determined to maintain their internal sovereignty, are prepared and indeed anxious, to share with the British Indian Provinces in directing the common affairs of India

It will be easy for the constitutional purist, citing Federal systems in widely different countries, to point out

alleged anomalies in the plan which the Committee have to propose to this great end but the Committee, as they stated in their first report, are not dismayed by this reflexion Their proposals are the outcome of an anxious attempt to understand, to give full weight to and to reconcile, different interests

The Committee have taken into account (a) the widespread desire in India for constitutional advance (b) the natural desire of the Indian States to conserve their integrity, (c) the indisputable claims of minorities to fair treatment, (d) the obligations and responsibilities of His Majesty's Government, and (e) the necessity, paramount at all times but above all at a transitional period like the present, when the economic foundation of the modern world seemed weakened, of ensuring the financial credit and the stability of Government itself

Without a spirit of compromise such diverging interests cannot be reconciled but compromise inevitably produces solutions which to some, if not to all, of the parties may involve the sacrifice of principle

It follows that in many cases many members of the Committee would have preferred some solution other than that which appears as their joint recommendation But recognising that the basic aim of the Conference is, by the pooling of ideas and by the willingness to forego individual desires for the common good to attain the greatest measure of agreement, above all recognising that the time has come for definite conclusions, the Committee are prepared to endorse the conclusions set out in this Report

The Committee expressed the view in their previous Reports that the legislative organ of the Indian Federation should consist of two Chambers, which will be empowered to deal with the whole range of the activities

Number of  
Chambers

of the Federation, both those which affect British India only, and those which affect all Federal territory. In the course of their discussions preferences were expressed in some quarters for a unicameral legislature, on consideration alike of simplicity, efficiency and economy, while some members urged that, having regard to the nature of the matters to be dealt with by the Federation a single small federal chamber, which would adequately reflect the views of the Governments of the constituent units would be the right solution of the problem.

At a later stage again the Committee was placed in possession of proposals which they have not been able fully to discuss but which clearly demand further consideration though the Committee fully realise that the adoption of either of these plans would involve material modification of the framework hitherto contemplated.

One of these plans would substitute for the Upper Chamber a small body consisting of nominated delegates of the Government of the federating units, which would have the right of initiating legislation and would be empowered to exercise a suspensory veto over the measures passed by the elected Chamber. This body would also have the right to express its opinion upon all measures of the Federal Government before they were laid before the elected Chamber. The authors of this plan also contemplate the possession by this body of certain advisory functions in the administration sphere.

The second of these plans contemplates the confederation of the States into a single collective body for the purpose of federating with the British Indian provinces. Its supporters would prefer a single Federal Chamber in which the representation of the Indian States collectively should be 50 per cent the representatives being selected

by an electoral college consisting of the federated States as a whole. In the event of a decision in favour of a bicameral legislature, 50 per cent of the seats in the Upper Chamber would be reserved for the States, their representation in the Lower Chamber being on population basis.

Upon the assumption, however, that the Legislature is to be bicameral a variety of factors must be taken into

Size of the  
Chambers

account in determining the size of the Chambers. Cogent theoretical arguments can be adduced (and were in fact advanced by some delegates) in support of the view that for a country of the size and population of India, a legislature consisting of from 600 to 700 members of the Lower Chamber and from 400 to 500 for the Upper, could not be regarded as excessive in size, and that smaller numbers would fail to give adequate representation to the many interests which might reasonably claim a place in it. On the other hand arguments no less forcible were adduced in favour of the view that Chambers exceeding 100 and 250 respectively might prove ineffective organs of business. We have given these divergent views the best consideration of which we are capable, and recommend as the result that the Chambers should consist, as near as may be, of 200 and 300 members respectively, in which the allotment of seats to the States should be in the proportion of 40 per cent (or approximately 80 seats) in the Upper Chamber, and 33  $\frac{1}{3}$ rd per cent (or approximately 100 seats) in the Lower

This latter recommendation is, of course, based on the assumption that the whole body of the States will eventually adhere to the Federation. The view was strongly expressed that in the case of States not adhering at the outset, seats allotted to them as the result of the

procedure contemplated should remain unfilled pending their adherence. But it was also urged that this might lead to a situation under which States adhering at the outset would find their total voting strength in the legislature so small as to be inconsistent with their position as representing one of the main constituent elements in the Federation. Thus in the event of the original adherents not forming a substantial proportion, that is to say, at least one half, of "Indian India", some method should be devised by which their voting strength would be temporarily augmented pending the accession of other States. But the whole Committee hope that the contingency which might necessitate such an augmentation will not arise.

In any event difficulty might arise in regard to States which are grouped for purpose of deputing a representative, but it would be premature to attempt to suggest the best solution for such problems until the measure of adherence by 'grouped' States can be fairly accurately ascertained or foreseen. The Committee accordingly content themselves with expressing the hope that the measure of adherence in each group will be sufficiently great to justify the filling of the seat allotted thereto by the nominations of the adhering States. Should the system of grouping be such as to admit of the allotment of two or more seats to one group, difficulties of this order would be more easy of solution.

The Committee recommend that the 200 members of the Upper House should be chosen in the main to represent the component units the provinces of British India and the States and that the representatives of the British Indian provinces should be elected by the provincial

Selection of Representatives

legislatures by the single transferable vote. Candidature for the Federal Legislature should not, of course, be restricted to members of a provincial legislature, though such persons should be eligible if otherwise qualified. But no person should be a member of both a Provincial and the Federal Legislature.

In the case of those States which secure individual representation, their representatives will be nominated by the Governments of the States. In the case of those States, however (and there will necessarily be many such), to which separate individual representation cannot be accorded, the privilege of nomination will have to be shared in some manner which it will be easier to determine when the various groups have been constituted—a process which will, of course, entail a detailed survey of local and regional circumstances.

For the Lower Chamber the Committee consider that the selection of the British Indian representatives should be by election otherwise than through the agency either of the provincial legislature or of any existing local self-government bodies. Most members consider that election should be by territorial constituencies consisting of qualified voters who will cast their votes directly for the candidate of their choice. Others have advocated some method whereby some of the obvious difficulties which must confront a candidate in canvassing and maintaining contact with so large an area as the average constituency will involve, may be obviated.

The actual framing of the constituencies must necessarily depend largely upon the detailed arrangements to be made for the revision of the existing franchise—a task which is to be undertaken by a Special Franchise

Framing of  
Constituencies

Committee The Committee, therefore, recommend that this body should be charged also with the duty of making proposals for the constituencies to return the British Indian members of the Lower Chamber of the Federal Legislature, and that it should explore fully the alternatives of direct and indirect election indicated in the preceding paragraph in the light of the practical conditions which will be presented by the size of the constituencies, their population and the proportion of the population to be enfranchised. The area and population of British India excluding Burma being in round figures 800,000 square miles and 255 millions respectively, and the seats in the Lower Chamber available for representatives of that area on the Committee's proposals being approximately 200, it follows that the average area of a constituency would be approximately 4,000 square miles, and the average population per seat some  $1\frac{1}{4}$  millions. And while in many cases the former of these figures would obviously be reduced by the natural grouping of the population in urban areas, the difficulties presented by electoral areas and populations of this size would, of course, be accentuated by the existence of separate communal electorates. It may well be that while no difficulty will be experienced in providing for direct election in urban areas, some method of indirect election may prove desirable for rural areas.

As regards the apportionment of British Indian seats in both Chambers to the Provinces *inter se* the Committee recognise that the population ratio, which they were disposed to recommend in their previous Report as the guiding principle, would not produce a satisfactory result unless it were tempered by other considerations. To take only one instance, it would immediately reduce the Bombay Presidency, a province of great historical and commercial

Apportionment  
of Seats

importance, which has for many years enjoyed approximately equal representation in the Central Legislature with the other two Presidencies and the United Provinces, to less than half the representation these latter will secure

For the Upper Chamber which will represent in the main the units as such, the Committee think that the guiding principle should be a reasonable approximation to equality of representation for each unit. Absolute equality, having regard to the great variation in size and population between the Provinces would obviously be inequitable. The problem is a difficult and complicated one involving the careful assessment of local factors which is beyond the competence of this Committee. But the suggestion has been made that a possible solution might, for example, be to assign to each of the Provinces which exceed 20 millions in population, namely, Bengal, Madras, Bombay, the United Provinces, the Punjab and Bihar and Orissa, an equal number of seats, say 17, to the Central Provinces (if it included Berar) and Assam, say 7 and 5 seats respectively to the North-West Frontier Provinces, 2 seats, and to Delhi, Ajmer, Coorg and British Baluchistan, 1 seat each.

In the Lower Chamber, representing as it will primarily the population of the federated area, we consider that the distribution should tally as closely as possible with the population ratio, but that some adjustment will be required in recognition of the commercial importance of the Bombay Presidency and of the general importance in the body politic of the Punjab, which it will be generally conceded is not strictly commensurate with its population as compared with that of other Provinces. We suggest that this adjustment might be secured in the case of Bombay to some extent at all events by adequate weight-



age of the special representation which we have recommended for Indian and European commerce, and in the case of the Punjab, by some arbitrary addition to the 18 seats which it would secure on the basis of its population. Here again the Committee are not in a position to make a definite recommendation, but they take note of a suggestion which has been made for the allotment to the Punjab and Bombay, and also to Bihar and Orissa of 26 seats each, to Madras, Bengal and the United Provinces, of 32 seats each, to the Central Provinces, of 12, to Assam, of 7, to the North-West Frontier Province, of 3, and to the four minor provinces of 1 each, by this measure securing a distribution of the 200 seats which might be held to satisfy reasonable claims without doing undue violence to the population basis.

The Committee recognise that this is primarily a matter for settlement among the Princes themselves, but the representatives of other interests can hardly regard it as a matter of indifference since, until a satisfactory solution is found, the idea of federation necessarily remains inchoate and an important factor in determining the decision of individual States as to adherence to the Federation will be lacking. In view of the admitted difficulties of the question the Committee are anxious to assist by friendly suggestions towards the consummation of an acceptable and generally accepted conclusion. The Committee are fully aware that the effective establishment of federation postulates the adherence of the major States and that the absence of even a few of the most important States, however many of the smallest might be included, would place the Federation under grave disadvantages. At the same time they think that it is essential that the States as a whole should secure representation which will



#### PLAYING WITH CHILDREN

Mahatma Gandhi enjoying himself with a fellow-passenger on his way to London. From the first day of the voyage, he played with the children, caressed the babies and joked with their parents (Page 81)



commend itself to public opinion as generally reasonable and that it is hardly less important to satisfy, so far as may prove possible the claims of the small States than to provide adequate representation for those which cover large areas

Two suggestions have been advanced in the course of the Committee's discussions for the solution of this problem. The first was that the matter should be entrusted to the Chamber of Princes, with such arrangements as would secure an adequate voice in its deliberations to the small States, and to such States as are not represented in the Chamber at all. The second, based on the belief that the inherent difficulties of the problem would prove such that the Princes—acting through whatever agency—would be unable to evolve a plan which would meet with general acceptance and satisfy all claims, and consequently that a procedure based upon the first suggestion would merely involve infructuous delay, was that the task of apportionment should be remitted to an impartial committee or tribunal on which the States themselves should not be given any representation, but before which they would be all invited to urge their claims

The Committee are not in a position, for reasons already stated, to make any definite recommendation as to the acceptance of either of these suggestions but they consider that the best course would be to allow a period of time, which should not, they think, extend beyond the end of March, 1932, within which the Princes should be invited to arrive at a settlement on the understanding that, if within that period a settlement were not in fact secured, an impartial tribunal would be set up by His Majesty's

Government to advise as to the determination of the matter

While the Committee remain of opinion that this question must be left to the decision of the States, it cannot

be contended that it is one of no concern to the Federation as a whole

**States' Representatives**

They note the assurance of certain individual members of the States' Delegation that in those States which possess representative institutions and for which these members were in a position to speak, arrangements will be made which will give these bodies a voice in the Ruler's selection. The Committee as a whole are prepared to leave this matter to the judgment of the States

In their previous report the Committee recommended that special provision should be made in the Federal Legis-

lature for the representation of the

**Special Interests** Depressed classes, Indian Christians, Europeans, Anglo-Indians, Landlords, Commerce and Labour. We make no recommendation here relating to the first four of these interests since the decision on this point is one for the Minorities Sub-Committee.

But we affirm our previous recommendation that provision should be made for the special representation of the landlord interest, of Commerce (European and Indian) and of Labour. The number of these four interests and their apportionment amongst the various provinces are questions which should be considered by the Franchise Committee as also is the question of their method of election. Wherever possible the method should be election rather than nomination

In the previous Report the suggestion was also made that the Governor-General should be empowered to

**Nominated Members.** nominate to each chamber a specified number of persons not exceeding

perhaps ten to represent the Crown. After further consideration the Committee see no advantage to be gained from pursuing this suggestion. The persons appointed by the Governor-General to assist him in the administration of the Reserved portfolios will of course, play their part in the business of the legislature but it is not apparent how their task would be facilitated by the presence of a small body of nominated members who, if they were non-officials would rarely possess any special or effective knowledge of questions connected with the administration of the reserved departments, and whose votes would be too few to influence decisions.

If on the other hand these members were officials chosen for their knowledge of the subjects in the Governor-General's charge the same difficulty would be experienced as under the present regime of sparing from their departmental duties for attendance in the legislature so considerable a number of officials as the suggestion contemplates. Moreover the voting power which such officials would exercise would either be negligible or also would tend to maintain an "official bloc" which in the opinion of the majority of the Committee, would be out of place in the conditions of the new constitution.

On the other hand, while the Committee for the reasons given are not prepared to advocate the nomination of members in either Chamber to represent the Crown or Crown interests, they are impressed with the desirability of securing to the Federation the services in the Upper Chamber of men of the elder statesmen type with an experience of public affairs, both in the political sphere and outside it. It may well be that men of this type whom India would delight to honour may be unwilling, through the absence of provincial influence or connexions to solicit

the suffrages of provincial legislatures, or to promote their candidatures by identifying themselves with particular political parties and the small chances of success at the polls, when party feeling runs high likely to be attained by men possessing in the English phrase the cross-bench mind need not be emphasised. Yet it would be a grave loss to India if such men were excluded from her counsels. The Committee are therefore of opinion that a small proportion of seats should be reserved in the Upper Chamber only for persons to be appointed by the Governor-General. The Governor-General would, in making these appointments, act as a general rule upon the advice of his Minister, though we are disposed to think that, possibly by a constitutional convention, possibly by provision in the Constitution Act, two or three of the appointments might be made on the Governor-General's personal responsibility. In order to avoid any suggestion however, of an official bloc, the Committee are of opinion that no serving official should be qualified to sit in the Upper Chamber as a nominated member.

For the Lower Chamber in British India the qualification for membership should be identical with that for a voter, that is to say, any person who is qualified as an elector for a constituency of a particular class should be qualified also to stand for election by any constituency of that class in the province.

#### Qualifications for Membership

But for candidates for the Senate certain additional qualifications should be laid down. Without attempting to prescribe these in detail—a task which would better be undertaken by the Franchise Committee—we consider that the existing rules regulating the qualification of voters (and consequently of candidates) for the Council of State

- should be adopted as a model for candidates for the Upper Chamber except that the minimum age limit should be 35 years

It will be necessary also to prescribe the qualifications of voters in the special constituencies we have recommended to secure the representation in the Upper Chamber of Landlords, Commerce (European and Indian) and Labour, and—subject to the age limit just suggested—a person qualified as a voter in any of the special constituencies should be qualified also as a candidate. Whether, in the case of all or any of the special constituencies the present qualifications for voters for the Council of State could be adopted as they stand appears doubtful, but this we would leave for the consideration of the Franchise Committee.

The existing disqualifications for membership for the Indian Legislature appeal to us generally suitable for retention, though there was some difference of opinion as to those arising out of convictions for criminal offences and suggestions were made—which we regard as impracticable—that a distinction should be drawn for this purpose between “political” and other offences, or between offences involving moral turpitude and those which do not. On the whole we regard a restriction of this nature on the free choice of the elector as of little value as a means of ensuring probity of character in candidates, and we recommend that they should be abandoned. At the same time we consider that the rules should be so framed as to disqualify from candidature any person who at the time of an election is actually undergoing a sentence of imprisonment and who would consequently be unable, if returned, to fulfil his duties to the legislature and to his constituents.



Although it will clearly be impossible to secure uniformity of qualification in British India and the States, we think it of great importance that there should be absolute uniformity in the matter of disqualifications. These should therefore be embodied in the Constitution and should apply to all candidates alike.

The Committee consider that following common practice in the Empire, the Indian Constitution should provide for an oath of allegiance to be taken by members of the Federal Legislature on assumption of their seats. They do not suggest a definite formula at this stage, but its terms will require careful consideration.

As will appear from the Committee's previous Report, this important question was discussed for the first time in the Committee's present session.

Relations between  
two chambers.

The careful consideration we have now given to the matter has led us to the view that nothing should be done in the new Constitution which would have the effect of placing either Chamber of the Federal Legislature in a position of legal subordination to the other. It would be a misconception of the aims which we have in view to regard either Chamber as a drag or impediment on the activities of the other, in our view the two Chambers will be complementary to each other, each representing somewhat different, but, we hope, not antagonistic, aspects of the Federation as a whole. Absolute equality between the two Chambers of a bicameral legislature is no doubt unattainable and if it were attainable, might well result in perpetual deadlock, and there is no less doubt, the provisions of the constitution notwithstanding, the evolution of

political development will inevitably result in the course of time in placing the centre of gravity in one Chamber

But so far as the letter of the Constitution is concerned we consider that subject to the consideration shortly to

**Equal powers for  
both houses**

be mentioned, there would be no justification for endowing one Chamber at the outset with powers which are denied to the other. We accordingly recommend that while the Constitution should provide that, subject to the special provisions to be referred to later, no Bill should become law until it is assented to by both Chambers, it should contain no provisions which would disable either Chamber from initiating, amending or rejecting any Bill, whatever its character. The principle of equality also appears to us to demand that the Government should be entitled to test the opinion of the other Chamber if one Chamber has seen fit to reject a Government Bill and that in the event of its passage by the second Chamber it should be treated as a Bill initiated in that Chamber and taken again to the first.

In the event of rejection by one Chamber of a Bill which has been passed by the other or of its acceptance by either in a form to which the

**Joint Sessions**

other will not agree, we recommend that subject to certain conditions which should be set out in the Constitution, the Governor-General should have power either after the lapse of a specified period or, in cases of urgency, at once, to secure the adjustment of the difference of opinion by summoning a Joint Session.

We see no reason why the principle of equality of powers should not extend also to the voting of supply. The supply required by the Federal Government will be required for the common purposes of Federation (or for

the common purposes of British India) and there is, in our view, no logical reason which could be adduced in favour of depriving the representatives of the Federal units in the Senate of a voice in the appropriation of the revenues, the responsibility of raising which they will share equally with the members of the lower chamber

We propose therefore that the annual estimates of the revenue and expenditure of the Federal Government (which, as we propose elsewhere, should be contained in a single Budget statement covering both Federal and Central Revenue and expenditure) should be laid simultaneously before both Chambers and that the Government's Demands for Grants should be debated and voted upon by each Chamber, the debate in the second Chamber taking place upon the Demands as amended by the first. In the event of a difference in view between the two Chambers as to the amount to be granted under any Demand, we recommend that the difference should be resolved by an immediate Joint Session of both Chambers, the decisive vote being that of a simple majority. The Demands would of course, be so arranged as to separate expenditure required for Federal purposes from that required for Central purposes, so that the latter might stand referred to a Standing Committee of the British Indian members of both Chambers.

The Committee did not find time during the first session of the Conference to consider the subject of "Federal Finance," which may be summarily described as the question of the apportionment of financial resources and obligations between the Federation and the Units. On taking up this subject the Committee found it desirable to remit it for

examination by a Sub-Committee over which Lord Peel presided

The Report of this Sub-Committee was in effect unanimous. Little criticism was directed to its main features and the Committee accept the principles contained in it as a suitable basis on which to draft this part of the Constitution.

The Committee were however, not satisfied with the proposals in Lord Peel's Report for a review of the problem by Expert Committees. Fear was widely expressed that these might, by recommending principles at variance with those upon which the Conference was agreed, tend to undo work already accomplished, and further, that the procedure suggested might cause unnecessary and perhaps dangerous delay in settling various points which had an important bearing on the character of the new Federation. The Committee accordingly consider that the suggested procedure should be revised in the manner described below.

No change need be made as regards the second of the two Committees except that it should have no connexion with the other Committees. It should be noted that, of the matters within the purview of this "States" Committee, it is only in respect of those dealt with in Lord Peel's Report that it is essential to reach a settlement before the Act setting up the Federation comes into operation.

In place of the first Committee recommended in Lord Peel's Report there should, as early as possible, be appointed in India a "fact-finding" Committee consisting of officials familiar with questions of finance including States finance. Without elaborating terms of reference the functions of this Committee may be sketched as follows —

- (a) To investigate the division of pension charges

(b) To investigate classification of pre-Federation debt as contemplated in Lord Peel's Report

(c) To calculate the effect on the Provinces of various possible methods (of which there are only a few to be considered) of allocating the proceeds of income-tax to the Provinces

(d) To give an estimate of the probable financial position of the Federation in its early years under the scheme proposed in Lord Peel's Report indicating *inter alia* the probable results of federalising corporation tax, commercial stamps, tobacco, excise, or other possible national excises

Of these (d) is the most important.

It was pointed out that (b) had no reference to the investigation of any claim as had been raised by the Congress, that liability for a portion of the public debt of India ought to be undertaken by the United Kingdom

The facts and estimates required from the Committee described in the preceding paragraph should not take long to produce. There will remain to be decided, in the light of them, certain questions as, for example—

(i) The exact detailed form of the list of Federal taxes (within the general frame-work laid down by Lord Peel's Report) in particular a final decision will have to be taken about Corporation tax and specific Federal excises

(ii) The initial amount of the contributions from the Provinces and the precise period within which these and the States' contributions are to be wiped out

(iii) The exact method according to which income-tax is to be returned to the Provinces

There will also be one or two other points left doubtful by Lord Peel's Committee which will fall for decision. It will be necessary to devise a procedure for discussion and settlement of the outstanding matters

It may be that in other fields points of substance directly affecting Federation will also remain for settlement after this session of the Conference. It might thus prove convenient to use a common machinery for their disposal. It is accordingly agreed that this question of procedure should be postponed to a later stage.

The necessity for the establishment of a Federal Court was common ground among all members of the Committee, and such differences of opinion as manifested themselves were concerned for the most part with matters of detail rather than of principle. It was recognised by all that a Federal Court was required both to interpret the Constitution and to safeguard it, to prevent encroachment by one federal organ upon the sphere of another, and to guarantee the integrity of the compact between the various federating units out of which the Federation itself has sprung.

The first question which the Committee considered was the nature of the Court's jurisdiction, and it was generally agreed that this jurisdiction must be both original and appellate.

The Court ought, in the opinion of the Committee, to have an exclusive original jurisdiction in the case of disputes arising between the Federation and a State or a Province, or between two States, two Provinces, or a State and a Province. The Committee are of opinion that disputes between units of the Federation could not appropriately be brought before the High Court of any one of them and that a jurisdiction of the kind ought rather to be entrusted to a tribunal which is an organ of the Federation as a whole. It would seem to follow that the Court should have seisin of justiciable disputes of every kind between the Federation and a Province or between two

Provinces and not only disputes of a strictly constitutional nature, but that in the case of disputes between the Federal Government and a State, between a State and a Province, or between two States, the dispute must necessarily be one arising in the federal sphere since otherwise the jurisdiction would extend beyond the limits of the treaties of session which the States will have made with the Crown before entering the Federation. The Committee are disposed to think that decisions by the Court given in the exercise of this original jurisdiction should ordinarily be appealable to a Full Bench of the Court.

In the case of disputes arising between a private person and the Federation or one of the federal units the Committee see no reason why these should not come in the first instance before the appropriate Provincial or State Court, with an ultimate right of appeal to the Federal Court, since it would obviously be oppressive to compel a private citizen who had a grievance however small, against (say) his Provincial Government, to resort exclusively to Delhi, or wherever the seat of the Federal Court may be, for the purpose of obtaining justice. In this case also, however, whatever right of suit against a State in its own courts is accorded to a citizen of that State, must even in a dispute arising in the Federal sphere be regulated by the laws of that State, though the citizen who is given a right of suit by the State law could not be deprived of his right of access in the Federal Court by way of appeal whatever form that appeal may take. In this connection the Committee drew attention to the need of investing both Provinces and States with a juristic personality for the purpose of enabling them to become parties to litigation in their own right. The Committee understand that at the present time no action lies against a Province of British India as such, and that no action can be brought against

an Indian Prince in a British Indian Court save under very special conditions. On the other hand the Committee are informed that in some of the States provision has already been made whereby proceedings can be taken against the State in its corporate capacity as distinguished from the ruler of the State himself. The subject will require to be further examined.

The Federal Court ought, also, in the opinion of the Committee to have an exclusive appellate jurisdiction from every High Court and from the final Court in every State, in all matters in which a question of the interpretation of the Constitution (using that expression in its broadest sense) is involved. A certain difference of opinion on questions of method has, however, to be recorded. The suggestion was made that some plan might be devised whereby anyone desiring to challenge the constitutional validity of a law passed by the Federal or a Provincial Legislature could obtain a legal decision on the matter at an early date after the passing of the Act, and that this might be done by means of a declaratory suit to which some public officer would for obvious reason be a necessary party. The advantages of some such procedure are manifest, and the subject deserves further examination. Assuming however that legal proceedings of this kind are found possible the Committee think it right that they should be confined to the Federal Court alone, at any rate where the validity of a Federal law is in issue though there was a difference of opinion upon the question whether in the case of a Provincial or State law the proceedings might not be permitted in the first instance in the appropriate High Court or State Court. Where however a constitutional issue emerges in the course of any ordinary litigation the tribunal which may have seisin of the case should have jurisdiction to decide it, subject



always to an ultimate right of appeal from the State Court or High Court (if the case gets so far) to the Federal Court

The form which the appeal should take might be left to be dealt with by Rules of Court, but, whatever form or forms are adopted, the Committee are clearly of opinion that there must be an ultimate appeal as of right to the Federal Court on any constitutional issue. Their attention was drawn to a very convenient procedure at present existing in British India whereby when a question of title is raised in a Revenue Court, a case can be stated on that point only for the opinion of the Civil Court, proceedings in the Revenue Court being suspended until the decision of the Civil Court is given, and they think that the possibility of adopting a procedure of this kind might well be explored. They understand in particular that a procedure on these lines would be the procedure most acceptable to the States. The Committee are however impressed with the need for discouraging excessive litigation, and recommend therefore that no appeal should lie to the Federal Court, unless the constitutional point at issue has been clearly raised in the Court below.

The suggestion that the Federal Court should for Federal purposes be invested with some kind of advisory jurisdiction such as that conferred on the Privy Council by Section 4 of the Judicial Committee Act 1833, met with general approval, and the Committee adopt the suggestion subject to certain conditions. In the first place they are clear that the right to refer matters to the Court for an advisory opinion must be vested exclusively in the Governor-General, acting no doubt in the normal case on his Ministers' advice, and secondly, they think that no

question relating to a State ought to be referred without the consent of that State

The Committee are of opinion that an appeal should not lie from Federal Court to the  
**Appeals to Privy Council** Privy Council, except by leave of the Court itself, though the right of any

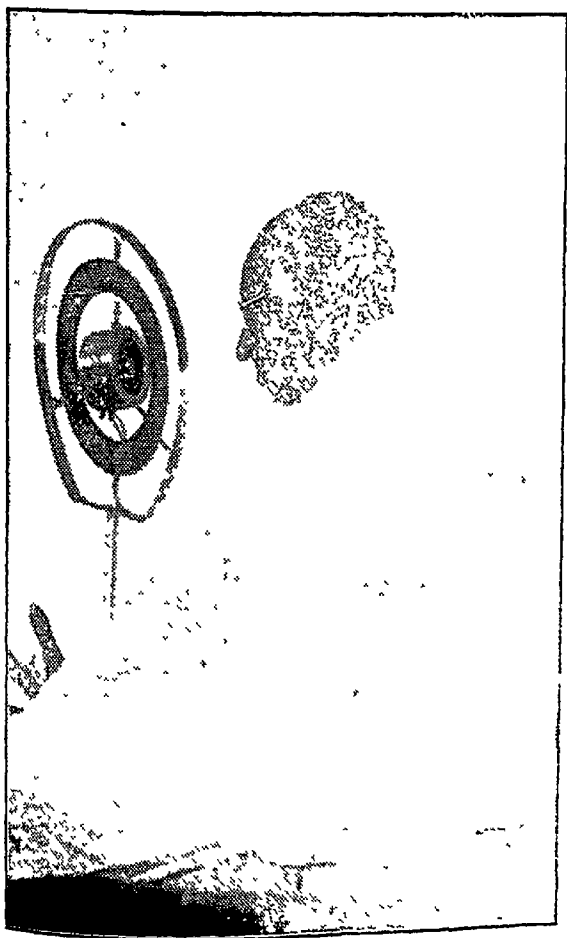
person to petition the Crown for special leave to appeal, and the right of the Crown to grant such leave would, of course, be preserved. There would therefore be no right of appeal to the Privy Council direct from a High Court in any case where an appeal lay to the Federal Court. The Committee desire to emphasise here, in order to prevent any misunderstanding, that any right of appeal from the State Courts to the Federal Court and thence to the Privy Council in constitutional matters will be founded upon the consent of the Princes themselves as expressed in the treaties of cession into which they will enter with the Crown as a condition precedent to their entry into the Federation. There can be no question of any assumption by Parliament or by the Crown of a right to subject the States to an appellate jurisdiction otherwise than with their full consent and approval.

It will be necessary to provide that Federal, State and Provincial authorities shall accept judgments of the Court as binding upon themselves when they are parties to a dispute before it, and will also enforce the judgments of the Court within their respective territories. It will also be necessary to provide that every Provincial and State Court shall recognise as binding upon it all judgments of the Federal Court.

The Committee think that the Court should be created, and its composition and jurisdiction defined, by the Constitution Act itself. They are of opinion that it should

consist of a Chief Justice and a fixed maximum number of puisne Judges, who would be appointed by the Crown, would hold office during good behaviour, would retire at the age of 65, and would be removable before the age only on an address passed by both Houses of the Legislature and moved with the fiat of the Federal Advocate-General. The question of the salaries and pensions of the Judges is a delicate one. The Committee are clear that the salaries, at whatever figure they may be fixed, should be non-votable and incapable of reduction during a Judge's term of office, and it would be a convenience if the salaries could be fixed by the Constitution Act, or in accordance with some machinery provided by that Act. The Committee have no desire to suggest any extravagant figure but they are bound to face facts, and they realise that in the absence of adequate salaries it is in the highest degree unlikely that the Federation will ever secure the services of the Judges of the standing and quality required. They suggest that the matter might be referred to a small Committee for investigation and report at a reasonably early date. With regard to the qualifications of the Federal Court Judges, the Committee suggest that any barrister or advocate of 15 years' standing and any person who has been a Judge of a High Court or State Court for not less than three years should be eligible for appointment.

The seat of the Court should be at Delhi, but power should be given to the Chief Justice, with the consent of the Governor-General, to appoint other places for the sittings of the Court as occasion may require. The Court must also have power to make Rules of the Court regulating its procedure. These Rules should after approval by the Governor-



Mahatma Gandhi broadcasting message to America  
from London (Page 84)



General have statutory force. The power to regulate the procedure of the Court, should include a power to make rules enabling the Court to sit in more than one divisions if necessary. The appointment of the staff of the Court should be vested in the Chief Justice, acting on the advice of the Public Service Commission, but the number and salaries of the staff must of course be subject to the prior approval of the Governor-General.

A strong opinion was expressed in the Committee that the time had come for the creation of a Supreme Court for

Supreme Court for  
British India

British India to which an appeal should lie from all provincial High Courts in substitution for a direct appeal to the Privy Council. Appeals from the Court would lie with the Privy Council only with the leave of the Court or by special leave. The creation of such a Court is in the natural course of evolution and the Committee adopt the suggestion in principle. A difference of opinion, however manifested itself on the method whereby such a Court should be brought into existence. There was a strong body of opinion amongst the British Indian Delegates to the effect that the Federal Court should be invested with this further jurisdiction the proposal being that the Court should sit in two divisions, one dealing with Federal matters and the other with appeals on all other matters from the Provincial High Courts. Other members of the Committee, and generally speaking the States' representatives dissented from the view and were of the opinion that there should be a separate Supreme Court for British India on the ground that the Federal Court would be an all-India Court, while the Supreme Court's jurisdiction would be confined to British India, the mass of work with which it would have to cope would obscure its true functions as a Federal Court, and to that extent

detract from its position and dignity as a Federal organ. It is no doubt the case that many more appeals would be taken to a Supreme Court situate in India than are at present taken to the Privy Council, and the Committee appreciate the force of this objection. But there would be no difficulty in reducing the appeals to a reasonable number by imposing more stringent restrictions upon the right of appeal. The Committee would deprecate the imposition on the finances of India of the cost of two separate Courts if this can possibly be avoided, and cannot disregard the possibility of conflicts between them. There is lastly at no time in any country a superfluity of the highest judicial talent, and the truer policy appears to them to be to concentrate rather than to dissipate judicial strength.

A question of very real difficulty remains to be considered viz, whether the Constitution Act itself should establish a Supreme Court now or whether power should be given to the Federal Legislature to establish it either as a separate institution or by conferring general appellate jurisdiction on the Federal Court as and when it may think proper so to do. The Committee are impressed with the need for proceeding cautiously in this matter but it was urged on them that the opportunity should not be lost of setting once and for all the general outlines of Supreme Court scheme. The establishment of a Supreme Court, and the definition of appellate jurisdiction are, they think, essentially matters for the Constitution Act and it appears to them that in the circumstances it may be advisable to take a middle course. They recommend therefore that the Constitution Act should prescribe the jurisdiction and functions of the Supreme Court and that the Federal Legislature should be given the power to adopt these

provisions of the Constitution Act in the future, if it should think fit to do so. The Committee recommend this method on several grounds. In the first place, the establishment of the Court would in any event require a large increase in the judiciary and in their view it should be left to the Federal Legislature of the future to decide whether the additional expense should be incurred or not. Secondly, the whole subject is one which requires much expert examination and it may be desirable that experience should first be gained in the working of the Federal Court in its more restricted jurisdiction. Thirdly, the functions of the Federal Court will be of such great importance, especially in the early days of the Federation that in the opinion of the Committee it would be unwise to run the risk of either overburdening it prematurely with work or of weakening its position by setting up in another sphere a Court which might be regarded as a rival.

A proposal to invest the Supreme Court above described with jurisdiction to act as a Court of criminal appeal for the whole of British India also found a certain measure of support. It is clear that even if a right of appeal to this Court in the graver criminal cases were given, the work of the Court, and therefore the number of Judges, would be enormously increased. The Committee had not the time at their disposal to enter into a close examination of the question whether in principle a Court of Criminal Appeal for the whole of British India is desirable, and they do not feel themselves able to express any opinion upon the matter, though they recognise its great importance. For the same reason that they hesitate to recommend the immediate establishment by the Constitution itself of a Supreme Court for appeals in civil matters from the High Courts of British India



they are unable to recommend the immediate establishment of a Court of Criminal Appeal. This matter is one which in their opinion must be left to the future Federal Legislature to consider and if that legislature should be of opinion that such a Court is required there will be no difficulty, if it should be thought desirable, in investing the Federal Court, or the separate Supreme Court as the case may be, with the necessary additional jurisdiction. But the Committee cannot refrain from a word of warning. It appears to them probable that a Court invested with the various jurisdictions which were suggested in the course of the Committee's discussions would have to consist of probably as many as twenty or thirty Judges, and in all likelihood of many more.

The subject of the Provincial High Courts in British India was also touched upon in the course of the Committee's discussions, and they think it right to record their views on one or two points of importance connected with this subject. In the first place the Committee are of opinion that High Court Judges should continue to be appointed by the Crown. Secondly, they think that the existing law which requires certain proportions of each High Court Bench to be barristers or members of the Indian Civil Service should cease to have effect, though they would maintain the existing qualifications for appointment to the Bench; and they recommend that the office of the Chief Justice should be thrown open to any Puisne Judge or any person qualified to be appointed a Puisne Judge. The practice of appointing temporary additional Judges ought in the opinion of the Committee, to be discontinued.

## FEDERAL FINANCE.

*Following report of the Federal Finance Sub-Committee was submitted by Lord Peel to the Federal Structure Committee for its discussions —*

In considering the principles upon which the general financial scheme for the new Federation should be framed, we are necessarily at a disadvantage because it is impossible for us, with the time at our disposal, to make even tentative estimates of the probable revenue and expenditure of the Federation and its constituent Units. Any theoretical scheme for the division of resources and obligations should before being embodied in the Constitution, be put to the test of a careful examination of its probable results by some body which is fully equipped for the task. We accordingly recommend that, with the least possible delay after the conclusion of the present Session of this Conference, an Expert Committee should be constituted for the purpose of working out in detail a financial scheme for the Federation, taking as its starting-point the general proposals contained in our Report (subject, of course, to their acceptance by the Federal Structure Committee and the Conference). The Expert Committee must have for its guidance some general principles of the kind set out below, but it should be free to make alternative suggestions if, on closer examination of the facts, a probability is disclosed that any general principle laid down by us would, in practice prove unworkable. In addition to the Committee's duty of framing a general scheme, there are also many specific points, some of which we mention below, on which its advice should be sought.

Such a body will necessarily be in a better position than we are to examine estimates of future revenue and

expenditure and to take these into account in arriving at its recommendations. Even this Committee however, will be unable to foresee the future so accurately that its judgment regarding immediate financial prospects can safely be made the basis of a rigid constitutional scheme. The difficulty is particularly acute in the adverse economic circumstances which now prevail, and which seem likely to continue for some time to come. It will therefore be necessary to aim at a considerable degree of elasticity in the financial frame-work. Whatever success in attaining this object can be achieved, we still consider it important that the Conference, when considering the question of constituent powers, should be specially careful to ensure that amendment of the constitution in this respect is not so hedged with difficulties as to be almost impracticable. Changing industrial and economic conditions, for example, may, at a date earlier than might now be anticipated, make it imperative to modify the financial scheme adopted at the outset.

While we are thus unable to frame a Budget for the Federation or its Units it is impossible to enunciate even general principles without making an assumption however rough as to the financial obligations of the new governments. The provisional classification of subjects suggested by the Federal Structure Committee at the last Session of the Conference involves no change of importance, from a financial point of view, in the functions of the Provinces (or States) and of the government at the Centre (whether in its "Federal" or "Central" aspects). Federation may bring with it certain fresh charges (e.g. expenses of the Federal Court), or possibly, on the other hand, certain administrative economies; but these variations do not appear likely to reach such magnitude as would bring about any fundamental change in the relative posi-

tions of the Units and the Centre in regard to financial requirements. Provincial expenditure, more particularly on "nation-building" services, may expand into fresh channels, whereas the range of Federal expenditure is more confined. It is essential, however, that all the governments should exercise the strictest economy and that their scale of expenditure should be reviewed and reduced to a minimum. But although there may be a natural and a proper tendency for Provincial and States' expenditure to increase, despite economies, and for Federal expenditure perhaps to decrease, it is important to remember that the Federation will have to bear, in the main, the financial burden of any grave crisis, and that it is especially on the credit of the Federal Government that the whole financial stability of India—its constituent parts no less than the Federation—must, in the end, depend. We are therefore bound to point out that there is danger in assuming that in no circumstances will additional burdens fall on the Federal Government.

Bearing the above in mind, we have started from the standpoint—

- (1) that it is undesirable to disturb the existing distribution of resources between the various governments in India unless, as we have found in some cases, there are imperative reasons for making a change
- (2) that, at all events to begin with, the Federation and its constituent Units are likely to require all their present resources (and indeed, to need fresh sources of revenue), so that, on the whole, it is improbable that any considerable head of revenue could be surrendered initially

by any of the government without the acquisition of alternative resources

With these preliminary observations we now proceed to set forth what we conceive are the principles to be followed

It was generally accepted in the Federal Structure Committee at the last Session that the aim of the new "Central" Charges Constitution should be to eliminate, as far as possible any "Central" subjects, but, so far as could be foreseen, it seemed likely that a residue of such subjects (notably certain civil and criminal legislation) would remain indefinitely. It appears probable, however, that the ideal will be more easily attained on the financial side "Central" expenditure, broadly speaking, will consist of three categories —

- (1) Expenditure on "Central" Departments
  - (2) A share in pre-Federation obligations in respect of civil pensions
  - (3) Possibly a share of the service of the pre-Federation debt
- (2) and (3) are, of course items which will ultimately vanish

Expenditure under (1) will be simply for those few departments and institutions (e.g. Archeological Department and Zoological Survey) which were not included at the last Session within the category of Federal subjects. It may well be that an agreement could be reached to federalise these items, but, in any case, the expenditure on them is relatively insignificant. In strict theory there should be included among "Central" charges a proportion of the cost of the Federal General Administration expenditure in respect of such "Central" business as "Central"

legislation. The amount, however, would probably be so trifling as to make this a needless complication.

As regards (2), the allocation of "Central" civil pension charges (not debited to the Provinces) between Federal and "Central" is a point which should be investigated by the Expert Committee. There seems no reason why the Federation should not be charged in respect of the pensions of officers who were previously employed on duties which, in future, will fall within the scope of Federal activities, but there may be a case for making the balance a "Central" charge.

The third possible item in the "Central" charges—a share in the service of the pre-Federation debt—raises more important issues than the other two.

**Pre-federation Debt.** The Public Debt of India has been incurred through loans which have not, at the time of their issue, been allocated for expenditure on specific heads. It is certain that, in any case, from the point of view of the investor, the security must remain, as before, the "revenues of India"—that is to say, the future revenues of the Federation and of the Provinces, but not of the individual States. No classification of pre-Federation debt as "Federal" and "Central" for constitutional purposes could be contemplated of such a kind as to affect the position of the lender.

The Departmental Memorandum of the Government of India has attempted to classify the greater part of the total Public Debt as debt covered by commercial or liquid assets together with a few miscellaneous items of a similar character, leaving the residue of Rs. 172 crores which, it is suggested, should be classed as "Central". We think that this classification may be misleading for the following reasons:

The borrowings of governments are, in the nature of things, not restricted to what is required for investment in commercial or productive undertakings, and it is probable that no important country, even at the time of its fullest prosperity, has been in a position to show the whole of its debt as covered by assets of this nature. It would be absurd to suggest that every country has therefore been continuously insolvent, as would be the case of a commercial company which showed a deficiency of assets in comparison with liabilities. A country's borrowing is conducted on the security of its credit and of its revenues, actual and potential.

The Government of India, like most other governments, has at times had to increase its debt owing to revenue deficits. Such debt, legitimately incurred in tiding over periods of difficulty or emergency, forms a reasonable charge on the whole undertaking of government, even when not represented by specific tangible assets. On the other hand, large allocations have consistently been made from revenue for the reduction of debt and for capital expenditure. It is doubtful whether any other country could make so favourable a comparison as India between the total volume of its debt and the value of its productive assets.

Even as regards the productive assets included in the Memorandum, it will be observed that the figure against Railways, for instance, is not an estimate of their actual commercial value as a going concern, but represents merely the capital invested. The Railway proceeds in a normal year are sufficient for the payment of a contribution to general revenues of over Rs 5 crores, in addition to meeting the whole of the interest charges on the Railway debt. The capitalised value of this additional profit

though it cannot be estimated with exactitude, might well amount to as much as Rs 100 crores

Again, the valuable assets of the Government of India are not limited to those which actually earn profits. The Federal Authority will presumably succeed to the whole of the buildings and public works of all kinds which at present are the property of the Central Government. The replacement value of these is, of course, an enormous sum though there are no exact data at hand for revaluating it. Further while such assets do not directly produce revenue, they represent a saving of annual expenditure. Moreover, although the loans and other obligations are shown as partially offset by certain assets, it will be understood that loans are normally raised for general purposes and not earmarked for specific objects, their proceeds go into a general pool. The particular items of debt cannot, therefore, be set off against individual assets, and it would clearly be impossible to relate the "balance" of Rs 172 crores, mentioned above to any particular loan or other obligation.

It therefore seems to us that, if it were found after investigation by the Expert Committee, that all the obligations were covered by assets, the whole of the pre-Federation debt should be taken over by the Federation. While, however, this seems to us to be the probable result of a close investigation, we do not rule out the possibility of a finding by that Committee that a certain proportion of the pre-Federation debt should equitably be classified in the first instance as "Central", that is to say, that its service (including a due proportion of sinking fund charges) should be taken to be a "Central" and not a Federal charge.



The question of post-Federation debt is considered below.

The only important existing source of the Government of India's revenue which is derived slowly from British India is Income-tax. The Service of "Central" charges problem of how Income-tax should be treated is discussed more fully below, but it is clear that, whatever may be the amount of the "Central" charges discussed in the preceding paragraphs it should be deducted as a first charge against the Income-tax collected solely from the British Indian Provinces, and against any other revenue collected by the Federal Government but derived solely from British India.

It is obvious that, if there is to be an equitable appointment of burden and smooth working of the constitutional machine, the Federal resources should, as far as possible, be confined to revenues derived alike from the inhabitants of the Provinces and of the States, and which can be raised either without any action on the part of the individual States or by an agreement with them of simple character, readily enforceable. This principle implies, very roughly, that the Federal sources of revenue should be confined to "indirect" taxes. If, however, a "direct" tax could be found which complied with the above conditions, it would be highly desirable to include this among the Federal resources, for the following reasons

The revenue from Customs will inevitably decline if there is an intensification of protective policy and the profits of indigenous companies (and also of course, the yield of the Income-tax on these profits) will presumably increase. Moreover "indirect" taxes tend to impose a

relatively heavy burden on the poorer classes and a Federal system of purely "indirect" taxation might unduly expose the Federal Government to criticism on this ground. We have been informed that federations which began with only "indirect" taxation as a federal resource have been compelled by force of circumstances to levy a tax on incomes or profits of companies in some form or other, and that in at least two cases (United States of America and Switzerland), a formal Amendment of the Constitution was necessary for this purpose.

The most obvious "direct" Federal tax is Income-tax. We think that it would be desirable, if it were possible,

**Corporation Tax** that some of the Income-tax receipts in all the Units of the Federation should in case of necessity, be available as a Federal resource, but we recognise that this is, in general, a development which must be left to the future and depend on free negotiation between the Federal Government and the federating States subsequent to federation.

As regards the Corporation tax (now called the Super-tax on Companies), however, we suggest that, if the necessity of such a reinforcement of Federal revenues is established, this tax should be included in the list of Federal taxes and we hope that the States will agree to this principle.

If federalisation of the Corporation tax were not accepted by the States, it would continue to be treated as a British Indian source of revenue.

In view of the difficulty of classifying taxes in general terms which permit of precise legal interpretation, and of the necessity, in a federation, of leaving no doubt as to where the constitutional power of imposing a

**Classification of  
Revenues**

certain tax lies, we think the most satisfactory solution would be that the Federal taxes and the Provincial taxes should be fully scheduled. We would suggest the following initial classification (apart from Income-tax, which is discussed separately below).—

#### FEDERAL

External Customs, including export duties

Salt.

Export Opium

Excises on articles on which Customs duties are imposed (with the exception of excises on Alcohol, Narcotics and Drugs)

Receipts from Federal Railways, Federal Posts and Telegraphs and other Federal commercial undertakings

Profits of Federal Currency.

Corporation tax (see above).

Contributions from Provinces (see below)

Contributions from States (see below).

#### PROVINCIAL

Land revenue.

Excise on Alcohol Narcotics\* and Drugs

Stamps, with the possible exception of Commercial Stamps (see below)

Forests

Provincial commercial undertakings

Succession duties (if any)

Terminal Taxes, if any (see below).

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\* It is open to doubt whether "Narcotics" should, for this purpose, include Tobacco

The first seven taxes in the present First Schedule to the Scheduled Taxes Rules

We think that these lists should be examined by the Expert Committee not only in order to review them generally, but also to expand and particularise them, and to include in them all sources of taxation at present used in British India or under contemplation

It is necessary at this stage, to refer to certain forms of taxation now in force in the States, apart from the special cases discussed later, which may conflict with taxes assigned to the Federation, or which may be economically undesirable from the point of view of the Federation as a whole. The first and most important of these is the internal Customs tariff which many States levy at their frontiers. One aim of the Federation in our opinion, should be the gradual disappearance of any tax, now in force in a State, which is similar in character to a Federal tax and so may impinge on Federal receipts. At the same time we recognise that it may be impossible for the States in question to surrender, either immediately or in the near future, large sources of existing revenue, without the acquisition of fresh resources, nor would it seem to be in general an equitable plan for the Federation to attempt to buy up, so to speak, the existing rights of the States in such a matter. This would simply mean that, in the general interests of economic unity and to facilitate trade, a tax would be imposed on the Federation as a whole in order to relieve the inhabitants of the States. The abolition of these taxes must therefore be left to the discretion of the States, to be effected in course of time as alternative sources of revenue become available. Subject to examination by the

Federal & State  
Taxation

Expert Committee, it seems likely that one possible such source is the Terminal tax referred to above

Under the scheme outlined above, the problem of "residuary powers" of taxation, in its ordinary sense, would seem to disappear ; and we are left simply with the question, who should have the power of raising taxes hitherto un-contemplated in India. It is obvious that, in dealing with taxes of a nature which is at present unforeseen, the correct solution cannot be to allocate them in advance either finally to the Federation or finally to the constituent Units. A proper decision could only be taken when the nature of the tax was known. There would be great advantages in vesting the Federation with the right to levy such taxes, while empowering it to assign the right to the Units in particular cases, since such a process would be far easier than that of vesting the right in the Units and asking them, when necessary, to surrender it to the Federation. There are, however constitutional objections to the proposal that the Federation should have power to impose unscheduled taxes on all Units of the Federation, and many of us feel that it is not possible to do more than to provide that the constitutional right to levy an unscheduled tax should rest with the Provinces or States, subject to the condition that the levy of the tax does not conflict with the Federal scheme of taxation.

Sir Walter Layton recommended the use of Terminal taxes as additional resource for the Provinces. The Government of India, on the other hand, have pointed out the difficulties which beset this proposal. Once again, such complicated issues are raised that expert scrutiny is essential. We agree that, if such taxes were

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levied, the proceeds should go to the Provinces and the States. In any case we think that both the rates and the general conditions under which such taxes would be imposed, should be subject to the control of the Federal Government and Legislature.

Transit duties, whether in the Provinces or in the federating States, should be specifically forbidden.

The Provinces should be debarred from levying internal Customs. (The position as regards the States is examined in paragraph above.)

There is much to be said for federating Commercial Stamps on the lines of various proposals made in the past, but we have not examined the question sufficiently to justify us in reaching a definite conclusion.

It will be understood that the powers of taxation enjoyed by Provincial Governments or States should be subject to the overriding consideration that they should not be exercised in such a manner as to conflict with the international obligations of the Federal Government under any Commercial Treaty or International Convention.

No form of taxation should, we think, be levied by any Unit of the Federation on the property of the Federal Government. The precise form in which this principle should be expressed should be examined by the Expert Committee.

It seems important that the Constitution should, in one respect, be less rigid than the existing one, under which it has been authoritatively held that there is no power to devote Grants to Constituent Units Central resources to the Provinces or Provincial resources to the Centre. It should, we think, be open to the Federal Government, with the assent of the Federal Legislature, not only to make grants to Provinces

or States for specified purposes, but also in the event of its ultimately finding that Federal revenues yield an apparently permanent surplus, to be free, as a possible alternative to reduction of taxation, to allocate the surplus proceeds to the constituent Units of the Federation, both States and British Indian Provinces. It appears desirable that the Constitution itself should lay down the proportions in which funds thus available should be divided among the Units, whether according to their respective revenues, or to population, or to some other criterion—a point on which the Expert Committee will presumably advise.

Whatever the automatic basis for distribution, we consider that it should be subject to an exception in the case of States which impose taxes of a character similar to Federal taxes (e.g. internal customs), and it should be open to the Federal Government to distribute to such State its share of the surplus funds only if that State agreed to reduce equivalently the tax at the abolition of which the Federation was aiming.

The reverse process should also be possible. Any Province with the assent of its Legislature, should be free to make a grant for any purpose to the Federal Government.

We now take up the question of the treatment of taxes on income other than Corporation tax which, as we have suggested above, should be Federal.

**Taxes on income** As stated, something may have to be deducted from the proceeds of these taxes, in the first instance, on account of "Central" charges, if any.

We are agreed that such taxes should still be collected from the whole of British India by one centralised administrative service. Most of us are also of the opinion that uniformity of rate should be maintained since varia-

tions of rate may lead to unfortunate economic consequences, such as discrimination between industries in different Provinces. Some of us take the opposite view, both because of the constitutional difficulty mentioned below and because of the difficulty of securing uniformity in all Units. The subject is clearly one to which the Expert Committee should devote much attention.

In any case, we are all of the opinion that the net proceeds should, subject to the special provisions mentioned below, be redistributed to the Provinces. On any other basis it will be impossible to secure, even ultimately, a uniformity of Federal burdens as between the Provinces and the federating States, or to avoid clash of conflicting interests in the Federal Legislature when there is a question of raising or lowering the level of taxation. The distributions of the proceeds of Income-tax among the Provinces (even though there may initially be countervailing contributions to the Federal Government, as proposed in the next paragraph) may also form a very convenient means of alleviating the burden of two or three of the Provinces which, under the present system, are universally admitted to be poorer than the others. With this in view, the Expert Committee should recommend by what criteria the proceeds of Income-tax should be allocated among the Provinces whether, for example on the basis of collection or origin, or according to population, or by some other method or combination of methods.

Those of us who recommend that Income-tax should be collected by one agency at a uniform rate to be fixed by the Federal Legislature, though the proceeds are distributed to the units, recognise that we are, of course, departing from the principle—to which we generally attach considerable importance—that the right to impose and



administer a tax should be vested in the authority which receives the proceeds. This seems to us inevitable, but difficulty might be met at all events partially, if the Federal Finance Minister, before introducing any proposal to vary the Income-tax rate, were required to consult Provincial Finance Ministers. The procedure in the Federal Legislature, when dealing with an Income-tax Bill, should follow the procedure to be laid down for other "Central" legislation affecting directly only British India.

A further point arising in connection with Income-tax, of such complicated nature that we are unable to make a definite recommendation regarding it, is the possibility of empowering individual Provinces, if they so desire, to raise, or appropriate the proceeds of, a tax on agricultural incomes. We suggest that this point might be referred to the Expert Committee for investigation.

We have, subject to certain reservations, proposed the allocation to the Provinces of the proceeds of taxes on  
Provincial  
contribution
Income, without so far, any corresponding reinforcement for the Federal Government. If the Expert

Committee unexpectedly found that Federal resources were such as to give a secure prospect of recurring revenues sufficient to meet this loss immediately (and a loss in respect of the heads dealt with below), many difficulties would, of course, be removed. But on the provisional basis set out above, we are bound to assume that there may be substantial Federal deficit, due to the allocation of Income-tax to the Provinces. The deficit, in so far as it arises from the above cause, should, we suggest, be met by contributions from the Provinces to be divided between them either on the basis of their respective revenues or of population, or according to some

other defined method. The Expert Committee should consider what is the most appropriate basis. This basis need not necessarily be the same as that on which the Income-tax proceeds are distributed. Differentiation between the two methods might be used as a means of partially adjusting the burden on Provinces which are specially hard hit by the existing distribution of resources between them.

We further propose that, not merely should it be the declared object of the Federal Government as its position improves, to reduce and ultimately extinguish these contributions, but the Constitution should specifically provide for their extinction by the Federal Government by annual stages over a definite period, say, ten or fifteen years.

In the scheme proposed above, the Federal burdens will be spread over all the Units of the Federation in a precisely similar manner except for—

States' contribu-  
tions

- (a) the above-mentioned contributions from the Provinces until such time as they are finally abolished,
- (b) such direct or indirect contributions as are, or have been made by certain States, of a kind which have no counter-part in British India, and
- (c) varying measures of immunity in respect of Customs and Salt enjoyed by certain States.

We now turn to consider what the States' contributions are, or may be, but, at the outset, we would lay down the general principle that, subject to certain exceptions specified below, the direct or indirect contributions from the States referred to at (b) should be wiped out *pari passu* with the Provincial contributions mentioned in the preceding paragraph.

The direct or indirect contributions from the States just referred to may arise, or are alleged to arise, under the following heads —

- (i) cash contributions ,
- (ii) value of ceded territories , and
- (iii) contributions in kind for Defence by the maintenance of State Forces

(i) Cash, contributions from States (till recently known as tributes) have arisen in many different ways, and it has been impossible for us to examine the cases of individual States. Nevertheless, we think that there is, generally speaking, no place for contributions of a feudal nature under the new Federal Constitution, and only the probability of a lack of Federal resources at the outset prevents our recommending their immediate abolition. We definitely propose that they should be wiped out *pari passu* with the provincial contributions discussed above. Meanwhile, there seem to us to be certain cases in which real hardship is inflicted by the relative magnitude of the burden of the cash contributions, and we suggest that it might be possible, without excessive loss being thrown on the Federal Government, to remit at once that part of any contribution which is in excess of 5 per cent. of the total revenues of a State. Apart from this, the circumstances under which the contributions have been levied vary so much that it is necessary for the Expert Committee to undertake (what it has been impossible for us to execute) a detailed examination of each individual case, and, with the above general principles in mind, to express an opinion as to what would be equitable treatment for each of the States in question.

- (ii) Without the necessary statistics we are unable to

investigate in detail the claim of the States that, through having ceded territory, some of them will be liquidating a liability in respect of Federal burdens. Here again we propose that the Expert Committee should examine the whole question, and pronounce an opinion as to the equities in each individual case.

(iii) Any attempt to assess the financial value to the Federation of the State Forces would raise many intricate problems into which it has been impossible for us to enter. Close consultation with the Military Authorities and with individual States would be necessary before any solution of this problem could be found. The maintenance and availability of these Forces is at present optional for the States concerned, and we think it likely that before any credit was given to a State on account of the Force which it maintains the Federal Authorities would, at all events, wish to prescribe —

(a) that the Forces should be efficient according to a standard of which the Military Authorities should be the judge, and should also be required for purposes connected with the general Defence scheme of India, and

(b) that these Forces should, by some permanent arrangement, be made available for services to be determined by the competent Military Authorities.

These States, being on the frontiers of India, are in a special position as regards the question of external Customs duties. Here again, we feel that it is impossible to deprive States of revenue of which they are already in possession. One principle which we would lay down

Maritime States and  
Kashmir.

is that, in all cases, the import tariff at the States' Ports should be not less than that at Ports in the rest of India. The question whether Maritime States should agree to the administration of Customs at their Ports being taken over by the Federal Department is obviously one of great importance, but hardly comes within the sphere of our enquiry.

Our general conception of the problem is that the Treaties or Agreements, which vary widely in the different cases, must be taken as they stand, and that any decision as to what are the existing right of a State, in those instances in which they are now in dispute, should be determined separately with the least possible delay, and not by the Expert Committee. We think, however that the latter should investigate the position in each State on its ascertained existing rights, and should express an opinion as to what commutation it would be worthwhile for the Federal Government to offer to the State for the extinction of any special privilege which it now enjoys. In doing so, it might allow for any contributions of special value which a State may be making to the Federal resources. With this opinion before them, we think it should be left to the Federal Authorities, if they think fit, to negotiate with each State for the surrender of existing rights. The Expert Committee should also attempt, to determine what, in the absence of any such surrender, would be the amount which Federal revenues lost owing to the existence of the special right of the State; and this valuation should be taken into account by the Federal Government whenever any question arose, as suggested above, of the Federation's distributing surplus revenue over the Federal Units.

In order to ensure that the Federation is not left

resourceless in a grave emergency, and also to secure the  
 object referred to in the next para-  
**Emergency powers** graph, we regard it as important  
**of Federal Govt.** that there should be an emergency  
 power in the Federal Government, with the approval of  
 the Federal Legislature, to call for contributions from all  
 the Units of the Federation on some principle of allocation  
 to be based on examination by the Expert Committee

In view of the degree of autonomy with which, we  
 understand, it is likely that Provinces will be clothed, it  
 seems to us that it will probably be  
**Borrowing powers** inappropriate, at all events as  
 regards internal borrowing, that there should be any  
 power in the Federal Government to exercise complete  
 control over borrowing by a Province. There must  
 apparently be a constitutional right in a Province to raise  
 loans in India upon the security of its own revenues,  
 leaving it, if need be, to learn by experience that a  
 Province with unsatisfactory finances will only be able  
 to borrow, if at all, at extreme rates. We would, however,  
 give the Federal Government a suitably restricted power  
 of control over the time at which Provinces should issue  
 their loans, so as to prevent any interference with other  
 issues, whether Federal or Provincial. But although this  
 should be the constitutional position, we think it highly  
 undesirable that, in practice, Provincial borrowings and  
 Federal borrowings should be co-ordinated only to this  
 limited extent, and we feel little doubt that, as hitherto,  
 Provinces will find it desirable to obtain the greater part  
 of their capital requirements through the Government at  
 the Centre.

It has been suggested that loans, both for the Federa-  
 tion itself and for the Units, should be raised by a

Federal Loans Board or Council, consisting of representatives of the Federal Government and of the Governments of the Units and of the Reserve Bank. On the other hand, it is argued that an authority of this kind could not raise a loan, since it could not pledge the revenues of the country, though it might be useful in an advisory capacity when the Federal Government was dealing with applications made by Provinces for loans. We are of opinion that this suggestion should be examined by the Expert Committee, which should be asked to make definite recommendations as to the machinery to be set up for arranging loans. In doing so, they will no doubt take into account the experience of Australia and other countries.

In order to secure that loans are raised at the cheapest rates, it is desirable that the security should be as wide as possible, and we therefore suggest that, in the interests both of the Federation and of the Units, all loans raised by the Federal Authority should, in the future, like those of the Government of India in the past, be secured not only on the revenues of the Federation but also on the revenues of the Provinces of British India. To ensure that this is not an unreality, it is necessary to have some such provision as is proposed in the preceding paragraph, under which there is an ultimate right in the Federation to call for contributions from the Units.

There would be no objection to federating Indian States, if they desired, obtaining funds from the Federal Government on conditions similar to those applying to the Provinces, and being eligible for representation on the Advisory Board, provided that those participating were prepared specifically to recognise this right of the Federation to call for contributions from themselves as well as from other Units.

We are of the opinion that there should be no power in the Units to borrow externally without the consent of the Federal Government.

We consider that, until a Reserve Bank has been established, the Federal Government should act as banker for the Provincial Governments on Provincial balances a commercial basis. On the establishment of a Reserve Bank, Provincial balances should be kept with that institution.

It is suggested that the revenue and expenditure of these areas, though shown in the accounts under separate heads for each area, should fall within the scope of the Federal Chief Commissioners' Provinces.

Budget Generally speaking, we think that the States have as great an interest in these areas as has British India, and we believe that those areas which are likely to be in deficit will probably be found to be so for Federal reasons, such as special connection with Defence, or, in the case of Delhi, its containing the Federal Capital.

It is, of course, proposed that the North-West Frontier Province, which is now a Chief Commissioner's Province should become a Governor's Province. There must, however, be a considerable gap between the revenue derived from the ordinary Provincial sources and the normal expenditure of the Province, and it is proposed that this should be filled by a subvention. We contemplate that this subvention should be found from the Federal Budget, as the causes of the Provincial deficit are intimately linked with matters of Federal concern, viz., Defence and Foreign Policy.

Some of us are of the opinion that the Railways (and possibly other departments, such as Posts and Telegraphs)



should be conducted on such a basis as to secure a more complete separation from Federal revenues than is at present the case, and that, after paying interest and meeting the charge at present incurred by the Government of India in respect of reduction of Railway debt, they should keep their own profits and should work on a basis which in the long run, would yield neither profit nor loss. From our standpoint it is to be noticed, that such a plan would involve an important change in the basis of the security for the existing debt, but the proposal is closely connected with that made at the last Session of the Conference that a Statutory Railway Authority should be established. It thus raises very important constitutional issues which are beyond the province of this Sub-Committee and must be fully examined elsewhere.

### DEFENCE AND EXTERNAL RELATIONS.

The Draft report of the Federal Structure Sub-Committee on defence and external relations, states that the majority of the Committee consider it impossible to vest in the Indian Legislature, during the transition of the constitutional period the responsibility for controlling defence as long as the burden of actual responsibility cannot be simultaneously transferred, and as regards external relations the majority reaffirm the view expressed by the Committee's second report that the Governor-General should be responsible for them.

The Committee point out that the consideration of defence is based on the principle enunciated by the last session's Defence Sub-Committee that defence must be increasingly the concern of the Indian people. The report says that some members strongly urged that no true responsibility should be conferred on India unless defence

involving control of the Army in India, including British troops, is immediately placed in the hands of the Indian Ministry responsible to the legislature with any safeguards that can be shown to be necessary. The majority, however, do not share this view. They, therefore, reaffirm the conclusion reached by the Federal Structure Sub-Committee at the last session that the "assumption by India of all powers and responsibilities hitherto resting on Parliament cannot be made at one step and that during transition the Governor-General shall be responsible for defence" assisted by a Minister responsible to him and not to the legislature. There is no disagreement however that the legislature must be deeply concerned in many aspects of defence. It is undeniable that such opportunities as the legislature at present possesses of discussing and thereby influencing defence administration cannot be diminished.

The size, composition and cost of Army are to be essentially matters for those on whom responsibility rests and their expert advisers yet they

**Cost of Army.** are not questions on which there can be no voicing of public opinion through constitutional channels. The legislature would thus continue to be brought into counsels of the administration in discussing such outstanding problems as carrying out of Indianisation. Further there must be co-relation of the Military and Civil administration where two spheres overlap. A suggestion was made in this connection that a body analogous to the Committee of Imperial Defence should be established in India. The report says that various suggestions were made to secure this participation in the counsels of administration, the cardinal feature of which generally was the precise position of the minister appointed by the Governor-General to take charge of the defence.

The report mentions three proposals —(1) The Minister while primarily responsible to the Governor-General should be responsible to the Legislature only as regards certain aspects of defence

(2) The Minister though responsible to the Governor-General should be Indian and might be chosen from the Legislature and,

(3) The Minister as contemplated in the second proposal should be considered as a member responsible to the Ministry participating in the discussions, enjoying joint responsibility and resigning in the event of a defeat in the Legislature over the question not relating to the Army. The report says that while some of these suggestions contain germs of possible lines of development, it is impossible to escape the conclusion that as long as the Governor-General is responsible for defence the constitution must provide that the Minister should be appointed by unfettered discretion of the Governor-General and be responsible to him alone

Further the Minister's relations with the rest of the Ministry and the legislature must be left to the evolution of political usage within the framework of the constitution. Regarding supply, the reports mention the view expressed that this should not be subject to annual vote but an agreement should be sought on the basic figure for a stated period subject to joint review by the legislature and Crown representatives at the end of the period with special powers in the Governor-General to incur an emergency expenditure. The report says that details of any such plan should be further carefully examined

Dealing with external relations the report says that similar considerations apply as in the case of defence and

generally the views expressed followed closely the members' opinions regarding defence. The report adds that there is difficulty in connection with external relations, namely, defining contents of the subjects reserved. The subject of external relations would be confined primarily by it, the subject of political relations with countries external to India and relations with Frontier tracts. Commercial, economic and other relations would fall primarily within the purview of the legislature and the Minister but to a degree questions of the latter category might react on the political question. Special responsibility will devolve on the Governor-General to secure that they do not conflict with his responsibility for the control of external relations.

Close co-operation by whatever means experience may prove most suitable will be needed accordingly between the Minister holding external relations portfolio and his colleagues—"responsibility" Ministers. The report mentions that a misunderstanding has arisen by the Committee's second report including in external relations, "relations with States outside the federal sphere" and says that as stated in the Premier's declaration at the close of the last session "connection of the States with the Federation will remain subject to the basic principle that with regard to all matters not ceded by them to the federation their relations will be with the Crown acting through the Viceroy"

### THE MINORITIES PROBLEM.

*The following is the text of the Draft Report of the Minorities Committee of the Round Table Conference —*

The Report of Sub-Committee No III (minorities) approved by the Committee of the Whole Conference on

19th January, 1931, recorded that opinion was unanimous "that in order to secure the co-operation of all communities which is essential to the successful working of responsible government in India, it was necessary that the new constitution should contain provisions designed to assure the communities that their interests would not be prejudiced, and that it was particularly desirable that some agreement should be come to between the major communities in order to facilitate the consideration of the whole question" In these circumstances it recommended that "the Conference should register an opinion that it was desirable that an agreement upon the claims made to it should be reached and that the negotiations should be continued between the representatives concerned, with the request that the result of their efforts should be reported to those engaged in the next stage of these negotiations".

The Committee resumed its deliberations on 28th September, and met subsequently on 1st October, 8th October, and 13th November. It had the assistance in its discussions of the representative of the Congress Party.

At the first meeting of the resumed Committee on 28th September it was reported that informal negotiations were proceeding between certain of the communities concerned, and after discussion it was unanimously agreed that, in order to give these negotiations an opportunity to reach a conclusion, the Committee should be adjourned until 1st October. On its meeting on that day a further motion of adjournment until Thursday, 8th October to enable the continuance of the negotiations, was moved by Mr Gandhi and unanimously accepted. It was agreed that the Depressed Classes and other smaller Minorities should be associated with the conversations in question.

At the third meeting of the Committee on Thursday,

8th October, Mr Gandhi reported that the negotiations which had taken place had unfortunately proved entirely abortive, despite the utmost anxiety on the part of all concerned to reach a satisfactory outcome. After considerable discussion it was agreed that the Committee should be adjourned for a further period to enable fresh efforts to be made to reach agreement between the various interests affected. It was decided in this connection that two schemes designed to overcome the communal difficulties in connection with the position in the Punjab which had been prepared by Sardar Ujjal Singh and Sir Geoffrey Corbett should be circulated for the consideration of the delegates. A scheme for the solution of the Communal problem prepared by the Indian National Congress, to which reference was made by Mr Gandhi at the meeting of the Committee on 8th October, was subsequently circulated at his request.

No further meeting took place until 13th November. The intervening period was devoted to private negotiation. At the meeting on 13th November it appeared, however, that despite every effort on the part of the negotiators, it had unfortunately proved impossible to devise any scheme of such a character as to satisfy all parties. The representatives of the Muslims, Depressed Classes, Anglo-Indians, a section of the Indian Christians and the European commercial community intimated that they had reached an agreement, "inter se", which they formally presented for the consideration of the Committee. But the course of the discussion on 13th November made it clear that the agreement in question was not regarded as acceptable by the Hindu or Sikh representatives, and that there seemed no prospect of a solution of the communal question as the result of negotiations between the parties concerned.

Rao Bahadur A T Pannur Selvam subscribed to the Agreement from which however Dr S K Datta expressed dissent in the Minorities Committee

It was agreed at the meeting of 13th November that statements or proposals which had been submitted by the representatives of various interests with the object of finding a satisfactory solution of the problem before the Committee or of inviting attention to aspects of that problem of special importance to the community they represented, should be appended to the Report of the Committee

During the various discussions suggestions were made that the British Government should settle the dispute on

The Premier's  
offer. its own authority These suggestions, however, were accompanied by such important reservations that they

afforded little prospect of any such decision securing the necessary harmony in working, but the Prime Minister, as Chairman of the Committee, offered to act, and give a decision of temporary validity, if he were requested to do so by every member of the Committee signing an agreement to pledge himself to support his decision so as to enable the Constitution to be put into operation, further efforts for an all-Indian settlement being pursued in the meantime

### COMMERCIAL DISCRIMINATION.

*Following is the draft report on commercial discrimination submitted by Lord Sankey to the Federal Structure Sub-Committee at the second session of the Round Table Conference —*

On the subject of commercial discrimination the Committee are glad to be able to record a substantial

measure of agreement They recall that in their Report at the last Conference it was stated that there was general agreement that in matters of trade and commerce the principle of equality of treatment ought to be established, and that the Committee of the whole Conference at their meeting on January 19th, 1931, adopted the following paragraph as part of the Report of the Minorities sub-Committee —

"At the instance of the British commercial community the principle was generally agreed that there should be no discrimination between the rights of the British mercantile community, firms and companies trading in India, and the rights of Indian born subjects, and that an appropriate Convention based on reciprocity should be entered into for the purpose of regulating these rights"

More than one member in the course of the discussion also reminded the Committee that the All-Parties Conference in 1928 stated in their Report that "it is inconceivable that there can be any discriminating legislation against any community doing business lawfully in India"

The Committee accept and reaffirm the principle that equal rights and equal opportunities should be afforded to those lawfully engaged in commerce and industry within the territory of the Federation, and such differences as have manifested themselves are mainly (though not entirely) concerned with the limits within which the principle should operate and the best method of giving effect to it

The Committee are of opinion that no subject of the Crown who may be ordinarily resident or carrying on trade or business in British India, should be subjected to any disability or discrimination, legislative or administrative, by reason of his race, descent, religion, or place of birth,



in respect of taxation, the holding of property, the carrying on of any profession, trade or business or in respect of residence or travel. The expression "subject" must here be understood as including firms, companies and corporations registered or carrying on business within the area of the Federation, as well as private individuals. The Committee are also of opinion that *mutatis mutandis*, the principle should be made applicable in respect of the same matters so far as they fall within the federal sphere, in the case of Indian States which become members of the Federation and the subjects of those States.

It will be observed that the suggestion contained in the preceding paragraph is not restricted to matters of commercial discrimination only nor to the European community as such. It appears to the Committee that the question of commercial discrimination is only one aspect, though a most important one of a much wider question, which affects the interests of all communities alike, if due effect is to be given to the principle of equal rights and opportunities for all.

More than one member of the Committee expressed anxiety lest a provision in the Constitution on the above lines should hamper the freedom of action of the future Indian Legislature in promoting what it might regard as the legitimate economic interests of India. The Committee do not think that these fears are well-founded. Key industries can be protected and unfair competition penalised without the use of discriminatory measures. The Committee are, however, of opinion that it should be made clear that where the Legislature has determined upon some system of bounties or subsidies for the purpose of encouraging local industries, the right to attach reasonable conditions to any such grant from public funds is fully

recognised, as it was recognised in 1925 by the External Capital Committee, and is recognised to-day by the practice of the Government of India itself

It should, however, also be made clear that bounties or subsidies, if offered, would be available to all who were willing to comply with the conditions prescribed. The principle should be a fair field and no favour. Thus a good deal was said in the course of the discussion of the need for enabling Indian concerns to compete more effectively with larger and longer-established businesses, usually under British management and financed with British capital. Where the large business makes use of unfair methods of competition, the general law should be sufficient to deal with it, but many members of the Committee were impressed with the danger of admitting a claim to legislate, not for the purpose of regulating unfair competition generally but of destroying in a particular case the competitive power of a large industry in order to promote the interests of a smaller one.

With regard to method, it appears to the Committee that the Constitution should contain a clause prohibiting legislative or administrative discrimination in the matters set out above and defining those persons and bodies to whom the clause is to apply. A completely satisfactory clause would no doubt be difficult to frame and the Committee have not attempted that task themselves. They content themselves with saying that (despite the contrary view expressed by the Statutory Commission in paragraph 156 of their Report) they see no reason to doubt that an experienced Parliamentary draftsman would be able to devise an adequate and workable formula, which it would not be beyond the competence of a Court of Law to interpret and make effective. With regard to the persons

and bodies to whom the clause will apply, it was suggested by some that the Constitution should define those persons who are to be regarded as "citizens" of the Federation and that the clause should apply to the "citizens" as so defined, this indeed was a suggestion which had been made by the All-Parties Conference. There are, however, disadvantage in attempting to define the ambit of economic rights in terms of a political definition, and a definition which included a corporation or limited company in the expression "citizen" would be in any event highly artificial. The Committee are of opinion therefore that the clause should itself describe those persons and bodies to whom it is to be applicable on the lines of above paragraph and the question should not be complicated by definitions of citizenship.

If the above proposals are adopted, discriminatory legislation would be a matter for review by the Federal Court. To some extent this would also be true of administrative discrimination, but the real safeguard against the latter must be looked for rather in the good faith and common sense of the different branches of the executive government, reinforced where necessary by the special powers vested in the Governor-General and the Provincial Governors. It is also plain that where the Governor-General or a Provincial Governor is satisfied that proposed legislation, though possibly not on the face of it discriminatory, nevertheless will be discriminatory in fact, he will be called upon, in virtue of his special obligations in relation to minorities, to consider whether it is not his duty to refuse his assent to the Bill or to reserve it for the signification of His Majesty's pleasure.

The question of persons and bodies in the United Kingdom trading with India, but neither resident nor

possessing establishments there, requires rather different treatment. Such persons and bodies clearly do not stand on the same footing as those with whom this Report has hitherto been dealing. Nevertheless, the Committee were generally of opinion that, subject to certain reservations, they ought to be freely accorded upon a basis of reciprocity the right to enter and trade with India. It will be for the future Indian Legislature to decide whether and to what extent such rights should be accorded to others than individuals ordinarily resident in the United Kingdom or companies registered there, subject of course to similar rights being accorded to residents in India and to Indian companies. It is scarcely necessary to say that nothing in this paragraph is intended to limit in any way the power to impose duties upon imports into India, or otherwise to regulate its foreign trade.

It had been suggested at the last Conference and the suggestion was made again in the course of the discussion in the Committee, that the above matters might be conveniently dealt with by means of a Convention to be made between the two countries, setting out in greater detail than it was thought would be possible in a clause in an Act the various topics on which agreement can be secured. The idea is an attractive one, but appears to present certain practical difficulties. The Committee understand that the intention of those who suggested it is that the Convention Act, if made, should be scheduled to and become part of the Constitution Act. It was however, pointed out that such a detailed Convention would be more appropriately made between the United Kingdom and the future Indian Government when the latter was constituted, and that in any event it seemed scarcely appropriate in a Constitution Act. On the other hand the Committee are of opinion that an appropriately drafted clause might be included in

the Constitution itself, recognising the rights of persons and bodies in the United Kingdom to enter, and trade with India on terms no less favourable than those on which persons and bodies in India enter and trade with the United Kingdom

In conclusion, there was general agreement to the proposal that property rights should be guaranteed in the Constitution, and that provision should be made whereby no person can be deprived of his property, save by due process of law and for public purposes, and then only on payment of fair and just compensation to be assessed by a Judicial Tribunal. Such a provision appears to the Committee to be a necessary complement of the earlier part of this Report. A formula of this kind finds a place in many constitutions and the form used in the Polish Constitution seemed to the Committee to be specially worthy of consideration

### PRIME MINISTER'S DECLARATION.

On December 1, 1931, Mr MacDonald, Premier, made the following statement defining British Policy towards India :—

“We have now had two sessions of the Round Table Conference and the time has come to survey the important work which has been done. First of all is the setting out of the problems which, in the task of Indian constitution-building we have to surmount, and then in trying to find how to surmount them. The reports presented to us now bring our co-operation to the end of another stage and we must pause and study what has been done and the obstacles which we have encountered and the best ways and means of bringing our work to a successful end as rapidly as possible.

"I regard our discussions and our personal contacts here as of the highest value and make bold to say that they have raised the problem of Indian constitutional reform far above the mere technicalities of constitution-making, for we have won that confidence in and respect for each other, which has made the task one of helpful political co-operation. That, I am confident, will continue to the end. By co-operation alone can we succeed.

"At the beginning of the year I made a declaration of the policy of the then Government and I am authorized by the present one to give you and India a specific assurance that it remains their policy. I shall repeat the salient sentences of that declaration —

"The view of His Majesty's Government is that responsibility for the Government of India should be placed upon Legislatures, Central and Provincial, with such provisions as may be necessary to guarantee, during a period of transition, the observance of certain obligations and to meet other special circumstances, and also with such guarantees as are required by minorities to protect their political liberties and rights.

"In such statutory safeguards as may be made for meeting the needs of the transitional period, it will be a primary concern of His Majesty's Government to see that the reserved powers are so framed and exercised as not to prejudice the advance of India through the new constitution to full responsibility for her own Government."

"With regard to the Central Government I made it plain that, subject to defined conditions, His Majesty's late Government were prepared to recognise the principles of the responsibility of the executive to the legislature if both were constituted on an All-India Federal basis. The principle of responsibility was to be subject to the qualification that, in the existing circumstances, defence and external affairs must be reserved to the Governor-General and that, in regard to finance, such conditions

must apply as would ensure the fulfilment of the obligations incurred under the authority of the Secretary of State and the maintenance, unimpaired, of the financial stability and credit of India

"Finally, it was our view that the Governor-General must be granted the necessary powers to enable him to fulfil his responsibility for securing the observance of the constitutional rights of minorities and for ultimately maintaining the tranquillity of the State

"These were, in broad outline, the features of the new constitution for India, as contemplated by His Majesty's Government at the end of the last Conference

"As I say, my colleagues in His Majesty's present Government fully accept that statement of January last as representing their own policy. In particular, they desire to reaffirm their belief in an All-India Federation as offering the only hopeful solution of India's constitutional problem. They intend to pursue this plan unswervingly and to do their utmost to surmount the difficulties which now stand in the way of its realization. In order to give this declaration the fullest authority, the statement which I am now making to you will be circulated to-day as a White Paper to both Houses of Parliament and the Government will ask Parliament to approve it this week

"The discussions which have been proceeding during the past two months have been of value in showing us more precisely the problems we have to solve and have advanced us towards the solution of some of them. But they have also made it plain that others still require further research and co-operative consideration. There is still a difference of opinion, for instance, as to the composition and powers of the Federal Legislature and I regret that even the question of a settlement of the

of how to safeguard the minorities under a responsible Central Government the Conference has been unable to discuss effectively the nature of the Federal Executive and its relationship with the Legislature

"Again, it has not yet been possible for the States to settle amongst themselves their place in the Federation and their mutual relationship within it. Our common purpose will not be advanced by ignoring these facts, nor by assuming that the difficulties they present will somehow solve themselves. Further thought, discussion and reconciliation of the different interests and points of view are still required before we can translate the broad general aims into the detailed machinery of a workable constitution. I am not saying this to indicate the impossibility nor to foreshadow any pause in our work. I only wish to remind you that we have put our hands to a task, which demands alike from His Majesty's Government and from the leaders of Indian opinion care, courage and time, lest when the work is done, it may bring confusion and disappointment and, instead of opening the way to political progress, may effectively bar it. We must build like good craftsmen, well and truly. Our duty to India demands that from all of us

"What then is the general position in which we find ourselves as regards a practical programme for the advancement of our common aims? I want to make no more general declarations, which carry us no further in our work. The declarations already made and repeated to-day are enough to give confidence in the purpose of the Government and to provide work for the committees to which I shall refer. I want to keep to business. The great idea of an All-India Federation still holds the field. The principle of a responsible Federal Government, subject



to certain reservations and safeguards through a transition period, remains unchanged and we are all agreed that the Governors' provinces of the future are to be responsibly governed units, enjoying the greatest possible measure of freedom from outside interference and dictation in carrying out their own policies in their own sphere

"I should explain at once in connection with that last point that we contemplate as one feature of the new order that the North-West Frontier Province should be constituted a Governor's Province of the same status as other Governors' Provinces, but with due regard to the necessary requirements of the Frontier, and that, as in all other Governors' Provinces, the powers entrusted to the Governor to safeguard the safety and tranquillity of the Province shall be real and effective

"His Majesty's Government also accept in principle the proposition which was endorsed at the last Conference that Sind should be constituted separate Province if satisfactory means of financing it can be found. We, therefore, intend to ask the Government of India to arrange for a conference with representatives of Sind for the purpose of trying to overcome the difficulties disclosed by the report of the expert financial investigation which has just been completed

"But I have digressed from the question of a programme in the light of the accepted factors—Federation as the aim and self-governing provinces and the Indian States as its basis. As I have said, our discussions have made it clear to all of us that Federation cannot be achieved in a month or two. There is a mass of difficult constructive work still to be done and there are important agreements to be sought by which the structure must be shaped and cemented

"It is equally plain that the framing of a scheme of responsible government for the provinces would be a simpler task, which could be more speedily accomplished. The adjustments and modifications of the powers now exercised by the Central Government, which would obviously have to be made in order to give real self-government to the provinces, should raise no insuperable difficulties.

"It has, therefore, been pressed upon the Government that the surest and speediest route to Federation would be to get these measures in train forthwith and not to delay the assumption of full responsibility by the provinces a day longer than is necessary. But it is clear that a partial advance does not commend itself to you. You have indicated your desire that no change should be made in the constitution, which is not effected by one all-embracing statute covering the whole field, and His Majesty's Government have no intention of urging a responsibility which, for whatever reasons, is considered at the moment premature or ill-advised. It may be that opinion and circumstances will change and it is not necessary here and now to take any irrevocable decision.

"We intend, and have always intended, to press on with all possible despatch with the Federal plan. It would clearly be indefensible, however, to allow the present decision to stand in the way of the earliest possible constitutional advance in the North-West Frontier Province. We intend, therefore, to take the necessary steps as soon as may be to apply to the North-West Frontier Province, until the new constitutions are established, the provisions of the present Act relating to Governors' Provinces.

"We must all, however, realize that there stands in

the way of progress, whether for the provinces or the Centre, that formidable obstacle—the communal deadlock, I have never concealed from you my conviction that this is above all others a problem for you to settle by agreement amongst yourselves. The first of the privileges and the burdens of a self-governing people is to agree how the democratic principle of representation is to be applied, or, in other words, who are to be represented and how it is to be done. This Conference has twice essayed this task; twice it has failed. I cannot believe that you will demand that we shall accept these failures as final and conclusive.

“But time presses. We shall soon find that our endeavours to proceed with our plans are held up—indeed they have been held up already—if you cannot present us with a settlement acceptable to all parties as the foundations upon which to build. In that event His Majesty’s Government would be compelled to apply a provisional scheme, for they are determined that even this disability shall not be permitted to be a bar to progress.

“This would mean that His Majesty’s Government would have to settle for you not only your problems of representation, but also to decide, as wisely and justly as possible what checks and balances the constitution is to contain, protect minorities from an unrestricted and tyrannical use of the democratic principle expressing itself solely through majority power.

“I desire to warn you that if the Government have to supply even temporarily this part of your constitution which you are unable to supply for yourselves, and though it will be our care to provide the most ample safeguards for minorities so that none of them need feel that they have been neglected, it will not be a satisfactory way of dealing with this problem. Let me also warn you that if

you cannot come to an agreement on this amongst yourselves, it will add considerably to the difficulties of any Government here which shares our views of an Indian constitution and it will detract from the place which that constitution will occupy amongst those of other nations. I, therefore, beg of you once more to take further opportunities to meet together and present us with an agreement

"We intend to go ahead we have now brought our business down to specific problems which require close and intimate consideration, first of all by bodies which are really committees and not unwieldy conferences, and we must, now set up machinery to do this kind of work

"As that is being done and conclusion presented, we must be able to continue consultations with you I propose, therefore, with your consent, to nominate in due course a small representative committee, a working committee of this conference, which will remain in being in India, with which through the Viceroy we can keep in effective touch I cannot here and now specify precisely how this committee can best be employed This is a matter which must be worked out and must to some extent depend on the reports of the committees we propose to set up but in the end we shall have to meet again for a final review of the whole scheme

"The plan, in a word, is this I would like you to carry it in your mind that these two sessions have provided now a mass of detail You have sketched out in a general way the kind of constitution, then you have said this wing of it, that wing of it, that aspect of it has not yet been drawn in detail by my architect, and we now have to consider the stresses and the strains that will be put upon the fabric, the best way to protect it, to

safeguard it and to carry it With that material in front of us, we appoint this committee, that committee and the other committee, to study the matter and to produce proposals for us for dealing with them

"That is what you would call the detailed work that must be pursued and you know perfectly well, my friends, that a conference as large as this or a Committee as large as some of those committees that have been meeting under the chairmanship of the Lord Chancellor cannot do that work There are too many long speeches, there are too many written speeches, there is not enough intimate, practical and pointed exchange of view sharp across a table without ten-minute speeches—a two-seconds observation met by another two seconds observation Only in that way are you going to work it out.

"But whilst this is being done, we have to keep in contact with what I would call the large responsible representative political body, a body of this nature, a body which this typifies That is the plan in the conception of His Majesty's Government, of quick, effective, scientific and certain work in the building up of the great constitution of India, to which reference has been made.

"It is our intention to set up at once the committees whose appointment the Conference has recommended: (a) To investigate and advise on the revision of the franchise and constituencies, (b) to put to the test of detailed budgetary facts and figures the recommendations of the Federal Finance Sub-Committee, and (c) to explore more fully the specific financial problems arising in connexion with certain individual States. We intend that these committees shall be at work in India under the chairmanship of distinguished public men from this

country as early in the new year as possible. The views expressed by you here on the other outstanding federal problems will be taken into consideration at once and the necessary steps taken to get better understanding and agreement upon them.

"His Majesty's Government have also taken note of the suggestion made in paragraph 26 of the Federal Structure Sub-Committee's third report with the object of facilitating an early decision on the distribution among the States of whatever quota may be agreed upon for their representation in the legislature

"It follows from what I have already said that they share the general desire for an early agreement on this question among the States, and His Majesty's Government intend to afford the Princes all possible assistance by way of advice in this matter. If it appears to the Government that there is likely to be undue delay in their reaching agreement amongst themselves, the Government will take such steps as seem helpful to obtain a working settlement

"I have already alluded to another matter to which you have given ample evidence that you attach great importance and to which you will expect me to refer. A decision of the communal problem which provides only for representation of the communities in the legislatures is not enough to secure what I may call 'natural rights'. When such provisions have been made minorities will still remain minorities and the constitution must, therefore, contain provisions which will give all creeds and classes a due sense of security that the principle of majority government is not to be employed to their moral or material disadvantage in the body politic

"The Government cannot undertake here and now to specify in detail what those provisions should be. Their

form and scope will need the most anxious and careful consideration with a view to ensuring on the one hand that they are reasonably adequate for their purpose and on the other that they do not encroach, to an extent which amounts to stultification, upon the principles of representative responsible Government

"In this matter the Committee of Consultation should play an important part, for here also just as in regard to the method and proportions of electoral representation, it is vital to the success of the new constitution that it should be framed on a basis of mutual agreement

"Now once again we must bid each other good-bye. We shall meet individually and we shall meet, I hope, on committees carrying on this work to which we have set our hands. Not we in the sense of His Majesty's Government, but we in the sense of you and us together.

"Great strides have been made, greater, I am sure, you will find than the most optimistic think. I was glad to hear in the course of these debates speaker after speaker taking that view. It is the true view. These Conferences have not been failures in any sense of the term. These Conferences had to meet, these Conferences had to come up against obstacles, these Conferences had to be the means by which diversity of opinion had to be expressed, these Conferences enabled us not only to mobilise the good-will of India and England, but also enabled us to mobilise the great problems, the historical problems of India. These problems have enabled us all—you and we together—to come down and face hard reality, and to gather from mutual conference the spirit and the determination to overcome difficulties. We have met with obstacles, but one of those optimists to whom humanity owes most of its progress said that "obstacles were made

to be overcome" In that buoyancy of spirit and the good-will which comes from it, let us go on with our task My fairly wide experience of Conferences like this is that the road to agreements is very broken and littered with obstructions to begin with, and the first stages often fill one with despair But quite suddenly, and generally unexpectedly, the way smoothes itself out and the end is happily reached I not only pray that such may be our experience, but I assure you that the Government will strive unceasingly to secure such a successful termination to our mutual labours

### THE NET RESULTS.

The following illuminating analysis of the results of the second Round Table Conference and of the various issues bearing on the subject by Mr V J Patel, made in a press statement on his return to India after the second Round Table Conference will be read with interest —

At the close of the first Round Table Conference the Prime Minister announced the policy of His Majesty's Government in regard to India, and the White Paper now issued at the close of the Second Round Table Conference merely reaffirms that policy without any modifications It is significant that the White Paper ignores altogether the most important document, namely the Gandhi-Irwin Pact, which secured the co-operation of the Congress in the work of the Round Table Conference Those who maintained that the Gandhi-Irwin Pact was an advance on the declaration of the 10th January, 1931, must have been thoroughly disillusioned The words in the pact "in the interest of India", by which Congressmen swore till yesterday, have not even been mentioned in the White Paper



According to the policy outlined in the White Paper, India is to have responsibility at the centre if, and only if, the Central Government and the Central Legislature are constituted on an All-India Federal basis. Even so the responsibility is to be subject to the following conditions —(1) Defence and external affairs are to be reserved to the Governor-General. (2) Control over finance is to be subject to such conditions as would ensure the fulfilment of the obligations incurred under the authority of the Secretary of State, and the maintenance unimpaired of the financial stability and credit of India. (3) The relations of the Princes to the British Government are to be controlled by the Crown. (4) There must be no unfair economic or commercial discrimination against the British trader. (5) The Governor-General must be granted the necessary powers to enable him to fulfil his responsibility for securing the observance of the Constitutional rights of the minorities. He must also have the power to enable him to fulfil his responsibility for ultimately maintaining the tranquillity of the State.

Reading the two declarations along with the report of the debate in the House of Commons and the report of the Federal Structure Committee, there can be no doubt whatever that the principle of control at the centre foreshadowed in the White Paper is subject to all the conditions I have just briefly enumerated.

I now state the National demands, as embodied in the Karachi Congress resolution. They are.—(1) Complete independence, and in particular, (2) Complete control of defence, (3) Complete control of external affairs, (4) Complete control of finances, (5) India's right to secede at will, (6) Examination of the debt position of India by an impartial tribunal to ascertain how much of it is justly chargeable to the new Government of India, and how

much must be shouldered by the British Government. The Congress mandate also gave power to its delegate at the R T C to accept such adjustments as "may be demonstrably proved to be in the interest of India "

I have no doubt that any impartial reader of the White Paper and the Congress resolution will come to no other conclusion than that the White Paper rejects every demand made by the Congress. Reservation of national defence and external affairs in the hands of the Governor-General means the rejection of the Congress demand for complete independence even in that limited interpretation of the phrase, namely, "voluntary partnership with Britain " With defence as a reserved subject, the control of finances, apart from other conditions sought to be imposed by the White Paper, becomes illusory, inasmuch as 45 per cent of the central revenue is spent on the Army. If we add to this the huge amount representing the salaries and pensions of persons appointed by the Secretary of State, together with interest on debt, and similar charges, very little indeed would be left for the legislature to vote upon. Even so, the White Paper, by imposing two other conditions, namely, that such suitable provisions should be made in the constitution as would effectively insure the fulfilment of the obligations incurred under the authority of the Secretary of State, and the maintenance unimpaired of the financial stability and credit of India, renders even that limited control of finance still more farcical. What self-respecting Indian would be prepared to hold the portfolio of Finance under the new Government with these humiliating limitations? It is, therefore, quite clear the Congress demand for the control of finances has been rejected.

The next demand of the Congress for the examination of the debt position of India was not even discussed

at the Conference. But there can be no doubt that the White Paper, by imposing a condition that the obligations incurred under the authority of the Secretary of State are to be affectively guaranteed, rejects the claim. The last and the most important claim of the Congress is India's right to secede. This was not and could not be raised, as India's claim to be admitted into partnership with Britain was refused.

As if these conditions, which reject every demand made by the Congress, were insufficient, the White Paper imposes other conditions before His Majesty's Government would be prepared to recognise the principle of responsibility at the centre.

I should like to refer to one of them at this stage. The first R. T. C. decided upon the following formula at the suggestion of the British delegates in regard to India's right to discriminate between nationals and non-nationals:

"At the instance of the British commercial community, the principle was generally agreed to that there should be no discrimination between the rights of the British commercial community, firms and companies, trading in India, and the rights of Indian-born subjects, and that an appropriate convention based upon reciprocity should be entered into for the purpose of guaranteeing these rights."

Public opinion in India strongly protested against this serious curtailment of the right of India's future Parliament and Mahatma Gandhi made it clear on behalf of the Congress that any Constitution which in any way impaired the power of the future Legislature of India to discriminate against non-nationals, when it considered it necessary to do so in the national interest, was not worth having, and would not be acceptable to the Congress.

Some Indian members of the R T C in defending their attitude, relied upon the word "generally" in the formula and contended that this word left it open to the Legislature to discriminate in exceptional cases

The second R T C extended the scope and purposes of this recommendation in a variety of ways The improved recommendation dropped the word "generally," gave protection not only to the British traders, but to all subjects of the Crown, not only against legislative discrimination, but also against administrative discrimination, not only in regard to trade, but also in regard to taxation, holdings of property, and a host of other matters

In order to avoid any misunderstanding, I shall quote the words of that recommendation

"The Committee are of opinion that no subject of the Crown who may be ordinarily resident or carrying on trade or business in British India, should be subject to any disability or discrimination, legislative or administrative, by reason of his age, descent, religion or place of birth, in respect to taxation, the holding of property, the carrying on of any trade, profession or business, or in respect of residence or travel"

I hardly need add that the new Constitution is to make provision vesting in the Governor-General the power to take such measures as he may consider necessary to maintain the peace and tranquillity of the country

We have been told that, after all the so-called reservations and safeguards are meant to apply only during the period of transition, and that a few years are nothing in the lifetime of a nation Neither in the White Paper nor, in the report of the Federal Structure Committee do we find the period of transition specified Heaven only knows whether it is going to be five years or fifty years!

Mr Baldwin, in his speech in the House of Commons in reply to a query from Mr Wardlaw Milne stated that nobody could say how long the transitional period would last. He further added that it would last just as long as it was the will of Parliament it should last, and if and when the Constitution was set up, nothing in that constitution would be relaxed without the assent of Parliament.

It is thus clear that all talk that the new constitution would automatically lead India to its cherished goal, or that the period of transition would be brief, is merely moonshine.

It has also been argued that the extraordinary powers to be vested in the Governor-General would by convention fall into disuse, as has been found to be the case in self-governing Dominions. This is not the view of the British Government, and we know to our cost that such extraordinary powers have been and are being exercised with vengeance by the Governor-General in India.

I have endeavoured to show that the second Round Table Conference has failed. A third Conference has no doubt been promised, and several Committees will shortly be set up to work out some of the details of the scheme. But neither the third Conference nor any of the Committees will be entitled to override the express terms of the declaration. They will be bound to work within the four corners of those terms, and can have no power, for instance, to recommend the transfer of control of defence or foreign affairs, or the grant of any of the other demands of the Congress, which have been categorically refused by the declaration.

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## APPENDIX



## APPENDIX I

### MAHATMAJI'S ULTIMATUM TO VICEROY

*Following is the full text of Mahatma Gandhi's Ultimatum to His Excellency Lord Irwin written from the Satyagraha Ashram, Sabarmati, on the 2nd March, 1930, on the eve of launching the campaign of Civil Disobedience*

Dear Friend,

Before embarking on Civil Disobedience and taking the risk I have dreaded to take all these years I would fain approach you and find a way out. My personal faith is absolutely clear. I can not intentionally hurt anything that lives, much less fellow human beings, even though they may do the greatest wrong to me and mine. Whilst therefore I hold British rule to be a curse I do not intend to harm a single Englishman or any legitimate interest he may have in India. I must not be misunderstood. Though I hold British rule in India to be a curse I do not therefore consider the Englishman as general to be worse than any other people on earth. I have the privilege of claiming many Englishmen as dearest friends. Indeed, much that I have learnt of the evil of British rule is due to the writings of frank and courageous Englishmen who have not hesitated to tell the unpalatable truth about that rule.

And why do I regard British rule as a curse? It has impoverished the dumb millions by the system of progressive exploitation and by the ruinous expense of the Military and Civil Administration which the country can never afford. It has reduced us politically to serfdom. It has sapped the foundations of our culture and by the policy of disarmament it has degraded us spiritually. Lacking in inward strength we have been reduced by all but universal disarmament to a state bordering on cowardly helplessness.

In common with many of my countrymen I had hugged a fond hope that the proposed Round Table Conference might furnish a solution. But when you said plainly that you could not give any assurance that you or the British Cabinet would pledge your-



selves to support the scheme of full Dominion Status the Round Table Conference could not possibly furnish the solution for which vocal India is consciously and the dumb millions are unconsciously thirsting. Needless to say that there never was any question of Parliament's verdict being anticipated. Instances are not wanting of the British Cabinet in anticipation of the Parliamentary verdict having pledged itself to a particular policy. The Delhi interview having been miscarried, there was no option for Pandit Motilal Nehru and me but to take steps to carry out the solemn resolution of the Congress arrived at in Calcutta at its session in 1928, but the resolution of Independence could cause no alarm if the word Dominion Status mentioned in your announcement had been used in its accepted sense. For has it not been admitted by responsible British statesmen that Dominion Status is virtual Independence? What however I fear is that there never has been any intention of granting such Dominion Status to India in the immediate future. But this is all past history. Since the announcement many events have happened which show unmistakably the trend of British policy. It seems as clear as day-light that responsible British statesmen do not contemplate any alteration in British policy that might adversely affect Britain's commerce with India or require an impartial and close scrutiny of Britain's transaction with India. If nothing is done to end the process of exploitation India must be bled with an ever increasing speed. The Finance Member regards as settled fact the 1-6 ratio which by a stroke of the pen drains India of a few crores and when a serious attempt is being made through civil form of direct action to unsettle this fact among many others even you cannot help appealing to the wealthy landed classes to help you to crush that attempt in the name of law and order that grinds India to atoms.

Unless those who work in the name of the nation understand and keep before all concerned the motive that lies behind the craving for Independence there is every danger of Independence itself coming to us so changed as to be of no value to those toiling voiceless millions for whom it is sought and for whom it is worth taking. It is for that reason that I have been recently telling the public what Independence should really mean.

Let me put before you some of the salient points. The terrific pressure of land revenue which furnishes a large part of the total must undergo considerable modification in an Indepen-

dent India. Even the much vaunted Permanent Settlement benefits few rich zamindars, not the ryots. The ryot has remained as helpless as ever. He is a mere tenant-at-will. Not only then had land revenue to be considerably reduced, but the whole revenue system has to be so revised as to make the ryots good its primary concern.

But British system seems to be designed to crush the very life out of him. Even salt which he must use to live is so taxed as to make the burden fall heaviest on him. If only because of the heartless impartiality of its incidence the tax shows itself still more burdensome on the poor man when it is remembered that salt is the one thing he must eat more than the rich man, both individually and collectively.

The drink and drug revenue too is derived from the poor. It saps the foundations both of their health and morals. It is defended under the false plea of individual freedom but in reality is maintained for its own sake. The ingenuity of the authors of Reforms of 1919 transferred this revenue to the so-called responsible part of dyarchy so as to throw the burden of prohibition on it, thus from the very beginning rendering it powerless for good. If the unhappy minister wipes out this revenue he must starve education since in the existing circumstances he has no new source of replacing that revenue. If the weight of taxation has crushed the poor from the above the destruction of the Central Supplementary Industry *i.e.*, handspinning has undermined their capacity for producing wealth.

The tale of India's ruination is not complete without reference to the liabilities incurred in her name. Suffice it has been recently said about these in the public press. It must be the duty of a free India to subject all liabilities to the strictest investigation and repudiate those that may be adjudged by an impartial tribunal to be unjust and unfair. The inequities sampled above are maintained in order to carry on a foreign administration, demonstrably the most expensive in the world. Take your own salary. It is over Rs. 21,000 per month besides many other indirect additions. The British Prime Minister gets £5,000 per year *i.e.*, over Rs. 5,400 per month. At the present rate of exchange you are getting over Rs. 700 per day against India's average income of less than Annas 2 per day. The Prime Minister gets Rs. 180 per day against Great Britain's average income of

nearly Rs 2 per day. Thus you are getting much over five thousand times India's income. The British Prime Minister is getting only ninety times Britain's average income. On bended knees I ask you to ponder over this phenomenon. I have to take a personal illustration to drive home the painful truth. I have too great a regard for you as a man. I do not wish to hurt your feelings. I know that you do not need the salary you get. Probably the whole of your salary goes for charity. But the system that provides for such arrangement deserves to be summarily scrapped. What is true of the Viceregal salary is true generally of the whole administration. The radical cutting down of the revenue therefore depends upon the equally radical reduction in the expenses of the administration. This means a transformation of the scheme of Government. This transformation is impossible without Independence. Hence in my opinion the spontaneous demonstration of the 26th January in which hundreds of thousands of villagers instinctively participated. To them Independence means deliverance from killing weight. Not one of the great British political parties it seems to me is prepared to give up Indian spoils to which Great Britain helps herself from day to day, often in spite of the unanimous opposition of Indian opinion. Nevertheless if India is to live as a nation, if the slow death by starvation of her people is to stop some remedy must be found for immediate relief.

The proposed Conference is certainly not the remedy. It is not a matter of carrying conviction by argument. The matter resolves itself into one of matching the forces. Conviction or no conviction Great Britain would defend her Indian Commerce and interests by all the forces at her command. India must consequently evolve a force enough to free herself from the embrace of death. It is common that, however disorganised and for the time being insignificant it may be, the party of violence is gaining ground and making itself felt. Its end is the same as mine, but I am convinced that it cannot bring the desired relief to the dumb millions and the conviction is growing deeper and deeper in me that nothing but unadulterated non-violence can check the organised violence of the British Government.

Many think that non-violence is not an active force. My experience is limited, though it undoubtedly shows that non-violence can be an intensely active force. It is my purpose to set

in motion that force against the organised violent force of British rule as well as the unorganised violent force of the growing party of violence. To sit would be to give the rein to both the forces above mentioned.

Having unquestioning and immoveable faith in the efficacy of non-violence, as I know it, it would be sinful on my part to wait any longer. This non-violence will be expressed through Civil Disobedience, for the moment confined to the inmates of the Satyagraha Ashram, but ultimately designed to cover all those who choose to join the movement with its obvious limitations. I know that in embarking upon non-violence I shall be running what might fairly be termed a mad risk but the victories of truth have never been won without risks, often of the gravest character. The conversion of a nation that has consciously or unconsciously preyed upon another far more numerous, far more ancient and no less cultured than itself is worth any amount of risk. I have deliberately used the word conversion for my ambition is no less than to convert the British people through non-violence and thus make them see the wrong they have done to India. I do not seek to harm your people. I want to serve them even as I want to serve my own. I believe I have always served them. I served them upto 1919 blindly, but when my eyes were opened and I conceived non-co-operation my object still was to serve them. I employed the same weapon that I have in all humility successfully used against the dearest members of my family. If I have equal love for your people with mine, it will not long remain hidden. It will be acknowledged by them even as the members of my family acknowledged it after they had tried me for several years. *If the people join me, as I expect they will, the suffering that they will undergo, unless the British nation sooner retraces its steps, will be enough to melt the stoniest hearts.* The plan through Civil Disobedience will be to combat such evils as I have sampled out. If we want to sever British connection, it is because of such evils. When they are removed, the path becomes easy. Then the way to a friendly negotiation will be open. If British Commerce with India is purified of greed you will have no difficulty in recognising our Independence.

I respectfully invite you then to pave the way for the immediate removal of those evils and thus open the way for a real *Conference between equals* interested only in promoting the

common good of mankind through voluntary fellowship and in arranging the terms of mutual help, and commerce equally suited to both

You have unnecessarily laid stress upon the Communal problems that unhappily affect this land. Important though they undoubtedly are for consideration of any scheme of Government they have little bearing on the greater problems which are above communities and which affect them all equally. *But if you cannot see your way to deal with these evils, and my letter makes no appeal to your heart on the eleventh day of this month, I shall proceed with such co-workers of the Ashram as I can take to disregard the provisions of the Salt Laws. I regard this tax to be the most inequitable of all from the poor man's standpoint.* As the Independence movement is essentially for the poorest in the land the beginning will be made with this evil. The wonder is that we have submitted to the cruel monopoly for so long. It is, I know, open to you to frustrate my design by arresting me. I hope there will be tens of thousands ready in a disciplined manner to take up the work after me and in the act of disobeying the Salt Act lay themselves open to the penalties of law that should never had disfigured the Statute book.

I have no desire to cause you unnecessary embarrassment or any at all so far as I can help. If you think there is any substance in my letter and if you will care to discuss matters with me and if to that end you would like me to postpone publication of this letter, I shall gladly refrain in receipt of a telegram to that effect soon after this reaches you. You will, however, do me the favour of not to deflect me from my course unless you can see your way to conform to the substance of this letter. This letter is not in any way intended as a threat but is a simple and sacred duty peremptory on the civil resister. Therefore I am having it specially delivered by a young English friend who believes in the Indian cause and is a full believer in non-violence and whom Providence seems to have sent me, as it were, for the very purpose.

I remain,

Your sincere friend,

M K GANDHI

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## APPENDIX II

### SAPRU-JAYAKAR PEACE TALKS

A

*Sir Tej Bahadur Sapru and Mr M R Jayakar made the following statement on September 5, 1930 embodying the correspondence that passed between them and the Congress leaders in jail in the course of peace negotiations for about two months (July-Aug)*

The facts connected with the efforts which we have been making for over two months for the restoration of peaceful conditions in the country are as follows

(1) On the 20th June, 1930, Pandit Motilal Nehru gave an interview to Mr Slocombe, special correspondent of the "Daily Herald" (London), with regard to his views about attending the Round Table Conference

(2) Shortly thereafter Mr Slocombe had a conversation with Pandit Motilal Nehru in Bombay as a result of which certain terms were drafted by Mr Slocombe and submitted to Pandit Motilal Nehru and approved by him at a meeting in Bombay at which Pandit Motilal Nehru, Mr Jayakar and Mr Slocombe alone were present One copy of these terms was sent to Mr Jayakar by Mr Slocombe as agreed upon by Pandit Motilal Nehru as the basis of his (Mr Jayakar's) or any third party's approach to the Viceroy and

(3) Mr Slocombe likewise addressed a letter to Dr Sapru at Simla forwarding a copy of these terms

In the course of this letter Mr Slocombe said that Pandit Motilal Nehru agreed to our acting as intermediaries for the purpose of approaching the Viceroy on the basis of these terms We give below the full text of this document

The statement submitted to Pandit Motilal Nehru in Bombay on June 25, 1930, was approved as the basis of an informal approach to the Viceroy by a third party If in certain circumstances the British Government and the Government of India, although unable to anticipate the recommendations that may in

perfect freedom be made by the Round Table Conference or the attitude which the British Parliament may reserve for such recommendations, would nevertheless be willing to give private assurance that they would support the demand for full responsible Government for India subject to such mutual adjustments and terms of transfer as are required by the special needs and conditions of India and by her long association with Great Britain and as may be decided by the Round Table Conference. Pandit Motilal Nehru would undertake to take personally such an assurance—or the indication received from a responsible third party that such assurance would be forthcoming—to Mr Gandhi and to Pandit Jawaharlal Nehru.

If such assurance were offered and accepted, it would render possible a general measure of conciliation which should entail simultaneous calling off of the Civil Disobedience movement, cessation of the Government's present repressive policy and a generous measure of amnesty for political prisoners and would be followed by Congress participation in the Round Table Conference on terms mutually agreed upon.

On the basis of this document we interviewed the Viceroy at Simla more than once during the early part of July last and explained to him the situation in the country and ultimately wrote to him the following letter.

#### PEACE-MAKERS' FIRST LETTER

Dear Lord Irwin,

We would beg leave to draw Your Excellency's attention to the political situation in the country which, in our opinion, makes it imperative that some steps should be taken without any loss of time to restore normal conditions.

We are alive to the dangers of the Civil Disobedience movement with which neither of us has sympathised nor been associated, but we feel that in the contest between the people and the Government, which has involved the adoption of a policy of repression and consequent embitterment of popular feeling, the abiding interests of the country are apt to be sacrificed.

We think it our duty to our country and to the Government that we should make an endeavour to ameliorate the present situation by discussing the question with some of the leaders of

the movement in the hope and belief that we may be able to persuade them to help in the restoration of normal conditions

If we have read Your Excellency's speech aright, we think that while Your Excellency and your Government feel compelled to resist the Civil Disobedience movement, you are not less anxious to explore every possibility of finding an agreed solution of the constitutional problem. We need scarcely say that we believe that with the cessation of the movement, there will be no occasion for continuance on the part of the Government of the present policy and those emergency measures which have been passed by the Government as an implement of that policy.

We therefore approach Your Excellency with the request that you may be pleased to permit us an interview with Mr Gandhi, Pandit Motilal Nehru and Pandit Jawaharlal Nehru so that we may put our points of view before them and urge them in the interest of the country to respond to our appeal to enable the big issue of constitutional advance being solved in a calm atmosphere.

We desire to make it plain that in going to them we shall be going on our own behalf and we do not profess to represent either the Government or any party in taking this step. If we fail in our attempt, the responsibility will be ours.

Should Your Excellency be pleased to grant us permission to see these gentlemen in jail, we shall request you to issue necessary orders to the local Governments concerned to allow us the necessary facilities.

We further request that if the necessary permission is granted to us, we may be allowed to talk to them privately, without there being any officer of the Government present at our interview. We further submit that in our opinion it is desirable that we should see them at the earliest possible date.

The reply to this letter may be sent to Mr Jayakar at Hotel Cecil.

Yours sincerely,

(Sd) Tej Bahadur Sapru

(Sd) M R Jayakar



## VICEROY'S REPLY

To the above letter the Viceroy made the following reply —

Simla, July 16, 1930.

Dear Mr Jayakar,

I have received your letter of the 13th July. You and Sir Tej Bahadur Sapru state your desire to do all in your power to bring about a return of peaceful conditions in the country and ask for permission to approach Mr Gandhi, Pandit Motilal Nehru and Pandit Jawaharlal Nehru with this object.

I had occasion in my address to the Legislature on the 9th July to define the attitude of myself and my Government both to the civil disobedience movement and to the constitutional issues. We consider that the civil disobedience movement is doing unminged harm to the cause of India and many important communities, classes and parties hold the same view. With their help, therefore, Government must continue to oppose it by all means in their power. But you rightly recognise that we are not less anxious to see the achievement of the solution of the constitutional problem by agreement among all the interests concerned.

It is evidently not possible for me to anticipate the proposals that will be made by the Government of India after they have had time to consider the Statutory Commission's report or by the Round Table Conference and still less the decisions of Parliament, but I made it plain in my speech that it remains my earnest desire, as it is that of my Government, and, I have no doubt also, that of His Majesty's Government, to do everything that we can in our respective spheres to assist the people of India to obtain as large a degree of management of their own affairs as can be shown to be consistent with the making of a provision for those matters in regard to which they are not at present in a position to assume responsibility. What those matters may be and what the provisions may best be made for them will engage the attention of the conference, but I have never believed that, with mutual confidence on both sides, it should be impossible to reach an agreement.

If, therefore, you believe that by the action proposed you may be able to assist in the restoration of normal conditions in the country, it would not be right for me or my Government to interpose any obstacles to your efforts. Nor do I think that those who

have stood side by side with my Government in steadily opposing the civil disobedience movement and whose co-operation I so much value, would wish me to do so

On hearing from you I will accordingly ask the local Governments concerned to issue the necessary instructions which will enable you to make your public-spirited attempt in the cause of peace in India

Yours sincerely,

(Sd) IRWIN

### FIRST INTERVIEW WITH GANDEHIJI

With these two documents we interviewed Mr Gandhi in Yervada Jail, Poona on the 23rd and 24th July, 1930. During the interview we explained to Mr Gandhi the whole situation and gave him the substance of our conversation with the Viceroy.

Mr Gandhi gave us the following note and letter to be handed over to Pandit Motilal Nehru and Pandit Jawaharlal Nehru at Naini Jail, Allahabad

"The constitutional issue"—So far as this question is concerned my personal position, is that

(1) If the Round Table Conference is restricted to the discussion of safeguards that may be necessary in connection with full Self-Government during the period of transition I should have no objection, it being understood that the question of independence should not be ruled out, if any body raises it. I should be satisfied before I could endorse the idea of the Congress attending the Conference about its whole composition

(2) If the Congress is satisfied as to the Round Table Conference naturally civil disobedience would be called off, that is to say, disobedience of certain laws for the sake of disobedience but peaceful picketing of foreign cloth and liquor will be continued unless the Government themselves can enforce prohibition on liquor and foreign cloth. But manufactures of salt by the populace will have to be continued and the penal clauses of the Salt Act should not be enforced. There will be no raids on the Government salt depots or private depots. I will agree even if this clause is not made a clause in these terms but is accepted as an understanding in writing.

3 (A) Simultaneously with the calling off of civil disobedience, all Satyagrahi prisoners and other political prisoners convicted or undertrial who have not been guilty of violence or incitement to violence should be ordered to be released

(B) Properties confiscated under the Salt Act, Press Act, Revenue Act and the like should be restored

(C) Fines and securities taken from convicted satyagrahis or under the Press Act should be refunded

(D) All officers including village officers who have resigned or who may have been dismissed during the civil disobedience movement and who may desire to rejoin Government service should be restored

NB The foregoing should refer also to the non-co-operation period

(E) The Viceregal Ordinances should be repealed

#### "RIGHT OF A PRISONER"

This opinion of mine is purely provisional, because I consider a prisoner has not the right to pronounce any opinion upon political activities of which he cannot possibly have full grasp, while he is shut out of personal contact. I therefore feel that my opinion is not entitled to the weight I should claim for it, if I was in touch with the movement. Mr Javakar and Dr Sapru may show this to Pandit Motilal Nehru, Pandit Jawaharlal Nehru, Mr Vallabhai Patel and those who are in charge of the movement. Nothing is to appear in the press. This is not to be shown to the Viceroy at this stage. Even if the foregoing terms are accepted I should not care to attend the Conference unless in the event of going out of the prison I gained self-confidence which I have not at present and unless among those Indians, who would be invited, there was preliminary conversation and agreement as to minimum by which they should stand under all circumstances. I reserve to myself the liberty, when occasion arises, of testing every Swaraj scheme by the ability to satisfy the object underlying the eleven points mentioned in my letter to the Viceroy.

(Sd) M K GANDHI,

23-7-30

Yervada Central Prison.

## GANDHIJI'S LETTER TO PANDIT MOTILAL

The following is Mr Gandhi's covering letter to Pandit Motilal Nehru

"My position is essentially awkward. Being temperamentally so built, I cannot give a decisive opinion on the matters happening outside the prison walls. What I have, therefore, given to our friend is the roughest draft of what is likely to satisfy me personally. You may not know that I was disinclined to give anything to Mr Slocombe and wanted him to discuss things with you. But I could not resist his appeal and let him publish the interview before seeing you. At the same time I do not want to stand in the way of an honourable settlement if time for it is ripe. I have grave doubts about it but after all Jawaharlal's must be the final voice. You and I can only give our advice to him. What I have said in my memorandum given to Sir Tej Bahadur and Mr Jayakar, is the utmost limit to which I can go but Jawaharlal may consider my position to be inconsistent with the intrinsic Congress policy or the present temper of the people.

I should have no hesitation in supporting any stronger position up to the letter of the Lahore resolution. You need, therefore, attach no weight to my memorandum unless it finds an echo in the hearts of you both. I know that neither you nor Jawahar were enamoured of the eleven points brought out in my first letter to the Viceroy. I do not know whether you still have the same opinion. My own mind is quite clear about them. They are to me a substance of independence. I should have nothing to do with anything that would not give the nation power to give immediate effect to them.

In restricting myself to the three only in the memorandum, I have not waived the other eight but the three are now brought out to deal with civil disobedience. I would be no party to any truce which would undo the position at which we have arrived to-day.

Your sincerely,

(Sd) M. K. GANDHI,

Yervada Mandir

## INTERVIEW WITH NEHRU

Accordingly on the 27th and 28th July, we saw Pandits Motilal Nehru and Jawaharlal Nehru at Naini Jail, Allahabad, and reviewed the entire position in the light of the Viceroy's letter and Mr Gandhi's note and the letter referred to above

## NEHRU DOCUMENTS

Pandits Motilal Nehru and Jawaharlal Nehru gave us the following two documents to be taken to Mr Gandhi at Yervada, Poona —

A memorandum dated 28th July by Pandit Motilal Nehru, and Pandit Jawaharlal Nehru, Central Prison, Naini, Allahabad —

We have had long conversations with Dr Sapru and Mr Javakar and they have informed us of the various events which led to their seeking interviews with Gandhiji and with us in our respective prisons in order, if possible, to terminate or suspend the present hostilities between the people of India and the British Government. We appreciate their earnest desire for peace and would gladly explore all avenues which might lead to it, provided such a peace was an honourable one for the people of India who have already sacrificed so much in the national struggle and meant freedom for our country.

As representatives of the Congress we have no authority, to alter any particular material in its resolutions, but we might be prepared, under certain circumstances, to recommend variation in the details, provided the fundamental position taken up by the Congress was accepted. We are, however, faced with an initial difficulty. Both of us are in prison and for sometime past have been cut off from the outside world and the national movement, one of us for nearly three months was not allowed any daily newspaper. Gandhiji's colleagues of the original Working Committee of the Congress are in prison and the Committee itself has been declared an illegal organisation. Of 360 members of the All-India Congress Committee which is the final authority in the National Congress organisation subject only to the full session of the Congress probably seventy-five per cent are in prison.

Thus the responsibility of taking a definite step without the fullest consultation with our colleagues and especially with Gandhiji,

As regards the Round Table Conference, we feel unlikely to achieve anything unless an agreement on all vital matters is previously arrived at. We attach great importance to such an agreement which must be definite and there must be no room for misunderstanding or misinterpretation. Sir Tej Bahadur Sapru and Mr Jayakar have made things very clear. Lord Irwin has also stated in his published letter to them that they are acting on their own behalf and cannot commit him or his Government. It is, however, possible that they may succeed in paving way to such an agreement between the Congress and the British Government.

As we are unable to suggest any definite terms for truce without consulting Gandhiji and other colleagues we refrain from discussing the suggestions made by Sir Tej Bahadur Sapru and Mr Jayakar and by Gandhiji in a note of his dated 23rd July which has been shown to us. We might, however, agree generally with Mr Gandhi's 2nd and 3rd points. But we should like the details of these points and specially his point (1) to discuss with him and others before we can finally make our suggestions. We suggest that this note of ours should be treated as confidential and be shown only to such persons as see Gandhiji's note, dated July 23, 1930. \* \* \*

Letter dated, 28th July, 1930 from Pandit Jawaharlal Nehru, Central Prison, Naini, Allahabad, to Mr Gandhi, Yervada Jail,

Central Prison, Naini, 28th July, 1930

My dear Bapuji,

It is a delight to write to you again after the long interval, even though it be from one prison to another. I would like to write at length, but I am afraid I cannot do so at present. I shall, therefore, confine myself to the matter in issue.

#### PT JAWAHARLAL'S MEMORANDUM

Dr Sapru and Mr Jayakar came yesterday and had a long interview with father and me. To-day they are coming again. As they have already put us in possession of all the facts and shown us your note and letter, we felt we could discuss the matter between us two and arrive at some decision even without waiting for the second interview. We are prepared to vary any previously formed opinion. Our conclusions for the time being are given in

the note which we are giving to Dr Sapru and Mr Jayakar This is more or less brief but it will, I hope, give you some idea of how our minds are working I might add that father and I are in full agreement in regard to what our attitude should be I might confess that your point (1) regarding the constitutional issue has not won me over, nor does father fancy it I do not see how it fits in with our position or our pledges or with the realities of to-day Father and I entirely agree with you that we cannot be parties to any truce which would undo the position at which we have arrived to-day It is because of this that the fullest consideration is essential before any final decision is arrived at I must confess I do not see any appreciable advance yet from the other side and I greatly fear a false or weak move on our part I am expressing myself moderately For myself, I delight in warfare It makes me feel that I am alive Events of the last four months in India have gladdened my heart and had made me prouder of Indian men, women, even children, that I have ever seen But I realise that most people are not warlike and like peace and so I try hard to suppress myself and take a peaceful view

May I congratulate you on the New India you have created by your magic touch What the future will bring I know not, but the past has made life worth living and our prosaic existence has developed something of epic greatness Sitting here in Naini Jail, I have pondered on the wonderful efficacy of non-violence as a weapon and have become a greater convert to it than ever before I hope you are not dissatisfied with the response of the country to the non-violence creed Despite the occasional lapses the country has stuck to it wonderfully certainly far more grimly than I had expected I am afraid I am still somewhat of a protestant regarding your eleven points, not that I disagree with any one of them Indeed they are important, yet I do not think that they take the place of independence, but I certainly agree with you that we should have nothing to do with anything that would not give the nation power to give immediate effect to them

Father has been unwell for the last eight days ever since he took an injection He has grown very weak This long interview last evening tired him out

(Sd ) Jawaharlal

Please do not be anxious about me. It is only a passing trouble and I hope to get over it in two or three days. Love

(Sd) Motilal Nehru

#### AFTER ANOTHER TALK WITH PEACE-MAKERS

We have had another talk with Sir Tej Bahadur Sapru and Mr Jayakar. At their desire we have made some alterations in our note, but they do not make any vital difference. Our position is quite clear and I have no doubt whatever about it. I hope you will appreciate it.

Accordingly Mr Jayakar alone saw Mr Gandhi on the 31st July, August 1 and 2 when Mr Gandhi dictated to him the following note:

(1) No constitutional scheme would be acceptable to Mr Gandhi which did not contain the clause allowing India the right to secede from the Empire at her desire and another clause which gave right and power to India to deal satisfactorily with his eleven points.

(2) The Viceroy should be made aware of this position of Mr Gandhi.

(3) The Viceroy should also be made aware that Mr Gandhi would insist at the Round Table Conference on the clause giving India the right to have examined by an independent tribunal all British claims and concessions given to Britishers in the past.

#### THE JOINT INTERVIEW

After that a joint interview took place at the Yerwada Jail, Poona on the 13th, 14th and 15th August between us on the one hand and Mr Gandhi, Pandits Motilal Nehru, Jawaharlal Nehru, Vallabhai Patel, Dr Mahmood, Jairamdas Daulatram and Mrs Sarojini Naidu on the other. As a result of our conversations with them on these occasions the Congress leaders gave us a letter with permission to show it to the Viceroy. This letter is set out below.

#### LETTER AFTER JOINT CONFERENCE

Yerwada Central Prison,  
15th August, 1930

Dear Friends,

We are deeply grateful to you for having undertaken the duty of trying to effect a peaceful settlement between the British



Government and the Congress After having perused the correspondence between yourselves and His Excellency the Viceroy and having had the benefit of protracted talks with you and having discussed among ourselves, we have come to the conclusion that the time is not yet ripe for securing a settlement honourable for our country. Marvellous as has been the mass awakening during the past five months and great as has been the sufferings of the people among all grades and classes representing the different creeds, we feel that sufferings have been neither sustained enough nor large enough for immediate attainment of the end. It is needless to mention that we do not any way share your views or Viceroy's that civil disobedience has harmed the country or that it is ill-timed or unconstitutional. The English history teems with instances of bloody revolts whose praises the Englishmen have sung unstintingly and taught us to do likewise. It, therefore, ill becomes the Viceroy or any intelligent Englishman to condemn the revolt that is in intention and that has overwhelmingly remained in its execution peaceful. But we have no desire to quarrel with the condemnation, whether official or unofficial of the present civil disobedience campaign. Wonderful as the response to the movement is, we hold it sufficient justification. What is, however, the point here is that we gladly make common cause with you in wishing, if it is at all possible, to stop it. It can be no pleasure to us needlessly to expose men, women and even children of our country to imprisonment, *lathi* charges and worse. You will, therefore, believe us when we assure you and through you the Viceroy that we would leave no stone unturned to explore any and every channel for an honourable peace. But we are free to confess that as yet we see no such sign on the horizon. We notice no symptom of conversion of English official world to the view that it is India's men, and women who must decide what is best for India. We distrust the pious declarations of good intentions, often well-meant, of officials. The age-long exploitation by the English of the people of this ancient land has rendered them almost incapable of seeking the ruin—moral, economic and political—of our country which this exploitation has brought about. They cannot persuade themselves to see that one thing needful for them to do is to get on our backs and do some reparation for the past wrongs by helping us to grow out of dwarfing process. That has gone on for a century of British domination.

But we know you and some of our learned countrymen think differently. You believe a conversion has taken place, at any rate, sufficient to warrant participation in the proposed conference. In spite, therefore, of the limitation we are labouring under, we would gladly co-operate with you to the extent of our ability. We feel that the language used by the Viceroy in reply given to your letter about the proposed conference is too vague to enable us to assess its value in the terms of the national demand framed last year in Lahore, nor are we in a position to say anything authoritative without reference to properly constituted meeting of the Working Committee of the Congress and if necessary to the A I C C. But we can say that for us individually no solution will be satisfactory unless, (a) it recognises the right of India to secede at her will from the British Empire, (b) it gives to India complete national Government, responsible to her people, including the control of defence force and economic control and covers all the eleven points raised on Gandhiji's letter to the Viceroy, and (c) it gives to India the right to refer if necessary to an independent tribunal such British claims and concessions and the like including so-called public debt of India as may seem to the national government to be unjust or not in interest of the people of India.

Note —Such adjustments as may be necessitated in the interests of India during the transference of power to be determined by India's chosen representatives.

(2) If the foregoing appears to be feasible to the British Government and a satisfactory declaration is made to that effect, we should recommend to the Working Committee the advisability of calling off of civil disobedience, that is to say, disobedience of certain laws for the sake of disobedience. But peaceful picketing of foreign cloth and liquor shops will continue unless Government themselves can enforce prohibition of liquor and foreign cloth. The manufacture of salt by the people will have to be continued and the penal clauses of the Salt Act should not be enforced. There will be no raids on Government or private salt depots.

(3) Simultaneously with the calling off of the civil disobedience (A) all Satyagraha prisoners and other political prisoners convicted or under trial, who have not been guilty of

violence or incitements to violence, should be ordered to be released (B) properties confiscated under the Salt Act, Press Act, Revenue Act and like should be restored, (C) fines and securities taken from the convicted satyagrahis or under the Press Act should be returned, (D) all officers including the village officers, who have resigned or who may have been dismissed during the civil disobedience movement and who may desire to rejoin the Government service should be reinstated

Note —The foregoing sub-clauses refer also to non-co-operation period

(E) All Viceregal Ordinances should be repealed

(4) The question of composition of the proposed Conference and of the Congress being represented at it can only be decided after the foregoing preliminaries are satisfactorily settled

Yours Sincerely,

(Sd ) Motilal Nehru  
 „ M K Gandhi  
 „ Sarojini Naidu  
 „ Vallabhai Patel  
 „ Jairamdas Daulatram  
 „ Syed Mahomed  
 „ Jawaharlal Nehru

#### PEACEMAKER'S LETTER TO LEADERS

Following is a copy of the letter dated, Bombay the 16th August, 1930 sent by Sir T B Sapru and Mr M R Jayakar to the Congress leaders —

We have sent them the following reply from Winter Road, Malabar Hill, Bombay on the 16th August, 1930 —

Dear Friends,

We desire to express our thanks to you for all the courtesy and patient hearing which you have been good enough to give us on several occasions on which we visited you either in Poona or in Allahabad. We regret we should have caused you so much inconvenience by these prolonged conversations and we are particularly sorry that Pandit Motilal Nehru should have been put to trouble of coming down to Poona at a time when his health was so bad. We beg formally to acknowledge receipt of

the letter which you have handed us and in which you state the terms on which you are prepared to recommend to the Congress the calling off of civil disobedience and participation in the Round Table Conference. As we have informed you, we took up this work of mediation on the basis of the (1) terms of the interview given by Pandit Motilal Nehru, then Acting President of the Congress to Mr Slocombe in Bombay on the 20th June, 1930 and particularly on (2) the terms of settlement submitted by Mr Slocombe to Pandit Motilal Nehru in Bombay on the 25th June, 1930 and approved by him (Pandit Motilal Nehru) as the basis of informal approach to the Viceroy by us. Mr Slocombe forwarded both the documents to us and we thereupon approached His Excellency the Viceroy for a mission of interview with Mahatma Gandhi, Pandits Motilal Nehru and Jawaharlal Nehru in order to explore the possibilities of settlement. A copy of the second document referred to above has been taken by you from us. We now find that the terms embodied in the letter, you gave us on the 14th instant are such that, as agreed between us, it must be submitted to His Excellency the Viceroy for his consideration and we have to await his decision. We note your desire that the material documents relating to these peace negotiations, including your said letter to us, would be published and shall proceed to do this after His Excellency the Viceroy has considered your letter. Before we conclude, you will permit us to say that we had reasons to believe, as we told you, that with the actual calling off of the civil disobedience movement, the general situation would largely improve. Non-violent political prisoners would be released. All ordinances with the exception of those affecting Chittagong, and Lahore Conspiracy cases, would be recalled and the Congress would get representations in the Round Table Conference larger than that of any other single political party. We need scarcely add that we emphasised also that in our opinion there was substantially no difference between the point of view adopted by Pandit Motilal Nehru in his interview and the statement sent to us by Mr Slocombe with Pandit Motilal's approval and His Excellency the Viceroy's letter to us.

Yours Sincerely,  
(Sd.) T B Sapru  
„ M R Jayakar

Thereafter Mr Jayakar alone took the letter of the Congress

leaders to Simla on the 21st August and had conversation with the Viceroy Sir Tej Bahadur Sapru joined him on the 25th.

We then had several interviews with the Viceroy and some members of his council between the 25th and 27th August. As a result of the same the Viceroy gave us a letter to show to the Congress leaders at Allahabad and Poona. The following is the text of that letter

### THE VICEROY'S NEXT

Viceregal Lodge, Simla,  
28th August, 1930

Dear Sir Tej Bahadur,

I have to thank you for informing me of the results of the conversation held by Mr Jayakar and yourself with the Congress leaders now in prison and for sending me copies of their joint letter of the 15th August and of your reply thereto. I should wish you and Mr Jayakar both know how great has been my appreciation of the spirit in which you have pursued your self-imposed and public-spirited task of endeavouring to assist in the restoration of normal conditions in India. It is worth recalling the condition under which you entered upon your undertaking. In my letter of July 16, I assured you that it was the earnest desire of myself and my government and I had no doubt also of His Majesty's Government to do everything we could to assist the people of India to obtain as large a degree of management of their own affairs as could be shown to be consistent with making provisions for those matters in regard to which they were not at present in a position to assume the responsibility. It would be among the function of the Conference to examine, in the light of all materials available, what those matters might be and what provision might best be made for them. I had previously made two other points plain in my speech to the legislature on the 9th July. The first is that those attending the Conference would have the unfettered right of examining the whole constitutional problem in all its bearings. Secondly, that any agreement at which the Conference was able to arrive, would form the basis of the proposals which His Majesty's Government would later submit to Parliament. I fear, as you will no doubt recognise, that the task you had voluntarily undertaken has not

been assisted by the letter you have received from the Congress leaders. In view both of the general tone by which that letter is inspired and of its contents, as also of its blank refusal to recognise the grave injury to which the country has been subjected by the Congress policy, not the least in economic field, I do not think any useful purpose would be served by my attempting to deal in detail with the suggestions there made and I must frankly say that I regard the discussion on the basis of the proposals contained in the letter as impossible. I hope, if you desire to see the Congress leaders again, you will make this plain. There is one further comment that I must make upon the last paragraph of your reply to them dated the 16th August. When we discussed these matters I said that if civil disobedience movement was in fact abandoned, I should not desire to continue the ordinances (apart from those connected with the Lahore conspiracy case and Chittagong), necessitated by the situation which, *ex-hypothesi*, would no longer exist. But I was careful to make it plain that I was unable to give any assurance if and when the civil disobedience movement ceases, that the local governments would find it possible to release all the persons convicted or under trial for offences in connection with the movement, not involving violence and that while I should wish to see a generous policy pursued in this matter, the utmost that I could promise would be to move all local governments to consider with sympathy all the cases individually on their merits. Upon the points of your reference to representation of the Congress at the Conference in the event of their abandoning the civil disobedience movement and desiring to attend the Conference my recollection is that you explained that the demand of the Congress was not for predominance in the sense of majority representation of the whole Conference and that I expressed the view that I should anticipate little difficulty in recommending to His Majesty's Government to secure that the Congress should adequately be represented. I added that if events so developed, I should be ready to receive a panel of names from the leaders of the Congress party of those whom they would regard as suitable representatives. I feel that you and Mr Jayakar would desire to be clearly informed of the position of myself and my Government, as it may be desirable that letters should be published at an early date in order that the public may fully be informed of the circumstances in which

your efforts have failed to produce the result you hoped and they so certainly deserved

Yours Sincerely,  
IRWIN.

The Viceroy also permitted us to mention to the Congress leaders the result of our conversations with him on certain specific points raised by us in connection with the letter of Congress leaders. We left Simla on the 28th August and interviewed Pandits Motilal Nehru and Jawaharlal Nehru and Dr Mahmood in the Naini Jail at Allahabad on the 30th and 31st August. We showed them the said letter of the Viceroy and placed before them the result of our conversation. We explained to them with reference to several points raised in their letter to us of the 15th August and not covered in the Viceroy's letter of the 28th August. We had reason to believe from the conversations, we had with the Viceroy, that a settlement was possible on the following basis —

(a) On the constitutional question the position would be as stated in four fundamental points para 2 of the Viceroy's letter to us of the 28th August

(b) With reference to the question whether Mr Gandhi would be allowed to raise at the Round Table Conference the question of India's right to secede from the Empire at her will, the position was as follows.—

As the Viceroy had stated in his said letter to us the Conference was a free conference, therefore any one could raise any point he liked. But the Viceroy thought it would be very unwise for Mr Gandhi to raise this question now. If, however, he faced the Government of India with such a question the Viceroy would say that the Government were not prepared to treat it as an open question. In spite of this Mr Gandhi desired to raise the question the Government would inform the Secretary of State of his intention to do so at the Round Table Conference."

(c) As regards the right to raise the question at the Round Table Conference of India's liability to certain financial burdens and to get them examined by an independent tribunal the position was that the Viceroy could not entertain any proposition amounting to total repudiation of all debts, but it would be open to anyone to raise at the Round Table Conference any

question as to any financial liability of India and to call for its examination

(d) As regards granting relief against the Salt Act, the position of the Viceroy was that (1) Salt Tax was going to be provincialised if the recommendation of the Simon Commission on that behalf was accepted and that (2) there has already been great loss of revenue and therefore the Government would not like to forego this source. But if the legislature was persuaded to repeal the Salt Act and if any proposal was put forward to make good the loss of revenue occasioned by such repeal the Viceroy and his Government would consider the question on its merits. It was not, however, possible for the Viceroy to condone open breaches of the Salt Act as long as it was a law. When good-will and peace were restored and if the Indian leaders desired to discuss with the Viceroy and his Government how best economic relief could be given to the poorer classes, on his behalf the Viceroy would be glad to call a small conference of Indian leaders.

(e) With reference to picketing the position was that if picketing amounted to nuisance to any class of people or was coupled with molestation or intimidation or use of force, the Viceroy reserved to Government the right of taking such action as law allowed or taking such legal powers as might be necessary to meet any emergency that might arise. Subject to, as above when peace was established, the Ordinance against picketing would be withdrawn.

(f) With regard to re-employment of officers who resigned or had been dismissed during the civil disobedience campaign, the position was that this matter was primarily for the direction of the local governments. Subject, however, to there being vacancies and as long as it did not involve dismissing men who had been employed by Government during the period of their trouble and who had proved loyal, the local Government would be expected to re-employ men who had thrown up their appointments in a fit of excitement or who had been swept off their feet.

(g) As for the restoration of printing presses, confiscated under the Press Ordinance, there would be no difficulty.

(h) As regards the restoration of fines and properties confiscated under the Revenue Law, that required a closer definition.



As to the properties confiscated and sold under such law there might be rights of third parties involved. As to the refunding of fines there were difficulties. In short all that the Viceroy could say was that local government would exercise their discretion with justice and take all the circumstances into consideration and try to be as accommodating as they could be. As to release of prisoners the Viceroy had already explained his views in his letter to us dated the 25th July.

We made it clear to Pandits Motilal Nehru and Jawaharlal Nehru and Dr Mahmood during their said two interviews with us that though the time before us was limited, further progress with our negotiations was possible on the lines indicated above. They, however, expressed unwillingness to accept any settlement on this basis and gave us a note for Mr Gandhi which is as follows —

#### Naini Central Prison

31-8-30

We have had further interviews with Mr Jayakar and Sir T. B. Saprú yesterday and to-day and have had the advantage of long talks with them. They have given us a copy of a letter dated the 25th August, addressed to them by Lord Irwin. In this letter it is stated clearly that Lord Irwin regards the discussion on the basis of proposals contained in our joint letter of the 15th August to Sir T. B. Saprú and Mr Jayakar as impossible and under the circumstances he rightly concludes that their efforts have failed to produce any result. This joint letter as you know, was written after full consideration by the signatories to it and represented the utmost they were prepared to do in their individual capacities. We stated that no solution would be satisfactory unless it fulfilled certain vital conditions and that a satisfactory declaration to that effect was made by the British Government. If such a declaration was made we would be prepared to recommend to the Working Committee the advisability of calling off of civil disobedience, provided simultaneously certain steps, indicated in our letter, were taken by the British Government in India. It was only after a satisfactory settlement of all these preliminaries that the question of composition of the proposed London Conference and of the Congress being represented at it could be decided. Lord Irwin in his letter

considers even a discussion on the basis of these proposals as impossible. Under these circumstances there is or can be no common ground between us. Quite apart, from the contents and tone of the letter, the recent activities of the British Government in India clearly indicate that the Government has no desire for peace. The proclamation of the Working Committee as an illegal body in Delhi province soon after a meeting of it was announced to be held there and the subsequent arrest of most of its members can have that meaning and no other. We have no complaint against these or other arrests or other activities of the Government "uncivilised and barbarous" as we consider some of these to be. We welcome them but we feel that we are justified in pointing out that the desire for peace and aggressive attack on the very body which is capable of giving peace and with which it is sought to treat do not go well together. The proscription of the Working Committee all over India and the attempt to prevent its meetings must necessarily mean that the national struggle must go on whatever the consequences and that there will be no possibility of peace, for those who may have some authority to represent the people of India will be spread on in British prison all over India. Lord Irwin's letter and the action taken by the Government make it plain that the efforts of Sir T. B. Sapru and Mr. Jayakar have been in vain. Indeed the letter and some of the explanations that have been given to us, take us back in some respects even from the position that was previously taken. In view of the great hiatus that exists between our position and Lord Irwin's, it is hardly necessary to go into the details. But we should like to point out to you certain aspects of his letters. The first part is practically a repetition of his speech in the Assembly and of the phrases used in his letter dated the 16th July, addressed to Mr. Jayakar and Sir Tej Bahadur Sapru. As we have pointed out in our joint letter this phraseology is too vague for us to assess its value. It may be made to mean anything or nothing. In our joint letter we have made it clear that complete national government, responsible to the people of India including control of defence forces and economic control, must be recognised as India's immediate demand. There is no question of what are usually called safeguards or any delay. Adjustments there necessarily must be for transference of power and in regard to these we have stated that they were to be determined by India's chosen represen-

tatives. As regards India's right of secession it will from the British Empire and her right to refer British claims and concessions to an independent tribunal, all that we are told is that the Conference will be a free Conference and any point can be raised there. This is no advance on the previous statement made. We are further told, however, that if the British Government in India were definitely faced with the possibility of the former question being raised, Lord Irwin would say that they were not to treat it as an open question. All they could do was to inform the Secretary of State of our intention to raise the question at the Conference. As regards the other proposition we are told that Lord Irwin could only entertain the idea of a few individual financial transactions being subjected to scrutiny. While such scrutiny may take place in individual cases its scope will have to extend to the whole field of British Claims, including, as we have stated, the so-called public debt of India. We consider both these questions as of vital importance and previous agreement in our joint letter seems to us essential.

#### RELEASE OF POLITICAL PRISONERS

Lord Irwin's reference to the release of prisoners is very restricted and unsatisfactory. He is unable to give the assurance that all non-violent civil disobedience prisoners even will be discharged. All he proposes to do is to leave the matter in the hands of the local Governments. We are not prepared to trust, in such matter, in the generosity and sympathy of local Government or local officials but apart from this there is no reference in Lord Irwin's letter to the other non-violent prisoners. There are a large number of Congressmen and others who were sent to prison for political offences prior to civil disobedience movement. We might mention in this connection the Meerut case prisoners who have already spent a year and a half as under-trials. We have made clear in our joint letter that all these should be released. Regarding the Bengal and Lahore case ordinances, we feel no exception would be made in their favour as suggested by Lord Irwin. We have not claimed the release of those political prisoners who may have been guilty of violence not because we would not welcome their release but because we felt that as our movement was strictly non-violent, we would not confuse the issue. But the least we can do is to press for ordinary trial for

these fellow countrymen of ours and not by extraordinary court constituted by Ordinance which denies them the right of appeal and the ordinary privileges of an accused. Amazing events, including brutal assaults that have occurred even in open court during so-called trial, make it imperative that ordinary procedure should be followed. We understand that some of the accused, in protest for the treatment accorded to them have been on hunger-strike for a long period and are now at death's door. The Bengal Ordinance, we understand, has been replaced by an Act of the Bengal Council. We consider this Ordinance and any Act based on it as most objectionable and the fact that an unrepresentative body like the present Bengal Council has passed it, does not make it any the better. With regard to further picketing of foreign cloth and liquor shops, we are told that Lord Irwin is agreeable to the withdrawal of the Picketing Ordinance but he states that if he thinks it necessary, he will take fresh legal powers to combat picketing. Thus he informs us that he might re-enact the ordinance or something similar to it whenever he considers necessary. The reply regarding the Salt Act and certain other matters referred to in our joint letter, is also wholly unsatisfactory. We need not deal with it at any length here as you are the acknowledged expert on salt. We would only say that we see no reason to modify our previous position in regard to these matters. Thus Lord Irwin has declined to agree to all the major propositions and many of the minor ones laid down in our joint letter. The difference in his outlook and ours is very great and indeed fundamental. We hope you will show this note to Mrs Sarojini Naidu, Mr Vallabhbhai Patel, Mr Jaiaramdas Daulatram and in consultation with them give your reply to Mr Jayakar and Sir T. B. Saprú. We feel that the publication of the correspondence must no longer be delayed and we are not justified keeping the public in dark. Even apart from the question of publication we are requesting Sir T. B. Saprú and Mr Jayakar to send copies of all correspondence and relevant papers to Chaudhury Khaliq Uzaman, Acting President of the Congress. We feel we ought to take no steps without immediate information being sent to the Working Committee which happens to be in function.

Motilal Nehru  
Syed Mahmood  
Jawaharlal Nehru

## SECOND VISIT TO YERVADA JAIL

We accordingly saw Mr Gandhi and other Congress leaders at the Yervada Jail in Poona on the 3rd, 4th and 5th September and gave them the said letter and discussed the whole question with them. As a result of such conversations they gave us a statement which is reproduced below

Yervada Central Prison,

5 9 30

Dear friends,

We have very carefully gone through the letter written to you by His Excellency the Viceroy dated the 28th August, 1930. You have kindly supplemented it with the record of your conversations with the Viceroy on the points not covered by the letter. We have equally carefully gone through the notes signed by Pandit Motilal Nehru, Dr Syed Mahmud and Pandit Jawaharlal Nehru and sent by them through you. This note embodies their considered opinion on the said letter and conversation. We gave two anxious nights to these papers and we had the benefit of full and free discussion with you on all the points arising out of these papers. And as we have told you, we have all arrived at a definite conclusion. We see no meeting ground between the Government and the Congress as far as we can speak for the latter being out of touch with the outside world. We unreservedly associate ourselves with the opinion contained in the note sent by the distinguished prisoners in the Nauni Central Prison but those friends expect us to give in our own words our view of the position finally reached in the negotiations for peace which, you with patriotic motives, have carried on during past two months at a considerable sacrifice of your own time and no less inconvenience to yourselves. We shall therefore allude as briefly as possible to the fundamental difficulties that have stood in the way to peace being achieved. The Viceroy's letter dated the 16th July, 1930 is, we have taken, intended to satisfy so far as may be the terms of interview which Pandit Motilal Nehru gave Mr Slacombe on the 20th June last and the statement submitted by Mr Slacombe to him on the 25th June and approved by him. We are unable to read in the Viceroy's language in his letter of the 16th July anything like satisfaction of terms of the interview or the said

statement Here are the relevant parts of the interview and the statement The interview —If the terms of the Round Table Conference are to be left open and we are expected to go to London to argue the case for Dominion Status I should decline If it was made clear, however, that the Conference would meet to frame a constitution for free India, subject to such adjustments of our mutual relations as are required by the special needs and condition of India and our past association, I for one would be disposed to recommend the Congress to accept the invitation to participate in the Conference We must be masters in our households but we are ready to agree to reasonable terms for a period of transfer of powers from British administration in India to a responsible Indian Government We must meet the British people to discuss these terms as a nation to nation and on equal footing The statement —“Government would give private assurance that they would support the demand for full responsible Government for India, subject to such mutual adjustment and terms of transfer as are required by the special needs of the conditions of India and by her long association with Great Britain and as may be decided by the Round Table Conference ” And here is the relevant part of the Viceroy's letter —“It remains my earnest desire, as it is that of my Government, and I have no doubt also that of His Majesty's Government, to do every thing we can in our respective spheres to assist the people of India to obtain as large a degree of management of their own affairs as can be shown to be consistent with making provisions for those matters with regard to which they are not at present in a position to assume responsibility What those matters may be and what provisions may best be made for them will engage the attention of the Conference But I never believed with mutual confidence on both sides that it should be impossible to reach an agreement ”

We feel that there is a vast difference between the two positions Whereas Pandit Motilalji visualises free India enjoying a status different in kind from the present as a result of the deliberations of the proposed Round Table Conference the Viceroy's letter merely commits him, his Government and the British Cabinet to an earnest desire to assist India to obtain as large a degree of management of their own affairs as can be shown to be consistent with making provision for those matters in regard to which they are not at present in a position to assume responsibility In other words the prospect held out by the Viceroy's

letter is one of getting at the next something more long the line of reforms commencing with those known to us as the Lansdowne reforms. As we had the fear that our interpretation was correct in our letter of the 21 August signed by Pandit Motilal Nehru, Dr. Sued Mahomed and Pandit Jawaharlal Nehru we put our position negatively and said what would not, in our opinion, satisfy the Congress. The letter you have now brought from His Excellency reiterates the original position taken up by him in his first letter and we are grieved to see that he contemptuously dismisses our letter as unworthy of consideration and regards the discussion on the basis of the proposals contained in the letter as impossible. You have thrown further light on the question by telling us that if Mr. Gandhi definitely faced the Government of India with such a question (i.e. the right of secession from the Empire at India's will) the Viceroy would say that they were not prepared to treat it as an open question. We on the other hand regard the question as a central point in any free constitution that India is to secure and one which ought not need any argument. If India is now to attain full responsible Government or full self-Government or whatever other term it is to be known by, it can be only on absolutely voluntary basis leaving each party to sever the partnership or association at will. If India is to remain no longer a part of the Empire but is to become a free partner in the Commonwealth, she must feel the want and warmth of that association and never otherwise. You will please observe that this position is clearly brought out in the interview already alluded to by us. So long, therefore, as the British Government or the British people regard this position as impossible or untenable, the Congress must in our opinion, continue to fight for freedom. The attitude taken up by the Viceroy over a very mild proposal made by us regarding the Salt Act affords further painful insight into the Government mentality. It is as plain as daylight to us that from the dizzy heights of Simla the rulers of India are unable to understand or appreciate the difficulties of the straining millions living in the plains whose incessant toil makes the Government to form such a giddy height at all possible. If the blood of the innocent people spilt during the past five months to sustain the monopoly of the gift of nature, next in importance to the poor people only to air and water, has not brought home to the Government the conviction of its utter immorality, no conference of Indian leaders as suggested

by the Viceroy can possibly do so. The suggestion that those who ask for the repeal of the monopoly should show the source of an equivalent revenue adds insult to injury. This attitude is an indication that if the Government can help it, the existing crushingly expensive system shall continue to the end of time. We venture further to point out that not only does the Government here but Governments all the world over openly condone the breaches of measures which have become unpopular but which for technical or other reasons cannot straightway be repealed. We need not now deal with many other important matters in which too there is no adequate advance from the Viceroy to the popular position set forth by us. We hope we have brought out sufficient weighty matters in which there appears at present to be an unbridgeable gulf between the British Government and the Congress. There need, however, be no disappointment for the apparent failure of the peace negotiations. The Congress is engaged in a grim struggle for freedom. The nation has resorted to a weapon which the rulers, being unused to it, will take time to understand and appreciate. We are not surprised that few months' suffering has not converted them. The Congress desires harm to no single legitimate interest by whomsoever acquired. It has no quarrel with the Englishmen as such. But it resents and will resent with all moral strength at its command the intolerable British domination. Non-violence being assured to the end we are certain of the early fulfilment of the national aspiration. This we say in spite of the bitter and often insulting language used by the powers-that-be in regard to civil disobedience. Lastly, we once more thank you for the great pains you have taken to bring about peace but we suggest that time has now arrived when any further peace negotiations should be carried on with those in charge of the Congress organisation. As prisoners we labour under obvious handicap. Our opinion based as it must be on second hand evidence, runs the risk of being faulty. It would be naturally open to those in charge of the Congress organisations to see any of us. In that case and when the Government itself is equally desirous for peace they should have no difficulty in having access to us.

(Sd) M. K. Gandhi

" Sarojini Naidu

" Vallabhbhai Patel

" Jairamdas Daulatram



"We are content ourselves with publishing for information of the public the material facts and documents and with the strict conformity with our duties and obligations as intermediaries. We refrain in this statement from putting our own interpretation or offering our own comments on the facts of the documents set out above. We may mention that we have obtained the consent of His Excellency the Viceroy and the Congress leaders to the publication of the documents above set out."

(Sd) T B Saprū

„ M R Jayakar

## APPENDIX III

### INDIA'S PUBLIC DEBT

*The following is a summary of the Report of the Congress Select Committee which was appointed by the Karachi Congress to scrutinise and report on the financial obligations between Great Britain and India'—*

The Report is divided into three main parts. First it scrutinises the totality of the transactions of the East India Company up to 1858, then the financial obligations since the transfer of the government to the Crown, dividing the obligations into (a) debts that are not backed by any assets and (b) debts which have created or left some material assets and lastly it gives its recommendations.

It is argued that during the whole period of the British Rule no burden has been undertaken by the Government of India with the assent of the people and therefore at this time it is necessary to examine such burdens with reference to their justice and propriety. It is also pointed out that "Public Debt" in India is not a "National Debt" for it is the result of the acts of the representatives of the British Nation as India had not even the "Shadow" of a constitution. However, the report recognises the fact that debts "incurred justly and for the benefit of the people of India" should be taken over by India.

#### UNDER EAST INDIA COMPANY

The history of the East India Company is sketched briefly to trace the transformation of a trading concern into a territorial aggrandisement. As the territorial and commercial side of the East India Company were mixed up hopelessly, the Committee accept as the starting point the amount of debt of the Company as at 30th April 1857 immediately before the Mutiny at the figure contained in the return of the Debt presented to Parliament in 1881 on the motion of Sir George Balfour. This stands at £51

millions This is accounted for in the main by a few transactions as follows in round figures —

External wars of the Company—

1st Afghan War	15 millions
Two Burmese Wars	11 "
Expeditions to China, Persia, Nepal, etc	6 "
Interest paid on the East India Company's Capital etc, 1833-1857	15 "
	<hr/> £50 millions

### EXTERNAL WARS OF THE COMPANY

As regards the equity of charging the cost of the external War, the following quotation from Sir George Wingate is of interest —

"Most of our Asiatic wars with countries beyond the limits of our Empire have been carried on by means of the Military and monetary resources of the Government of India though the objects of these wars were in some instances purely British and in others but remotely connected with the interests of India. They were undertaken by the Government of India in obedience to instructions received from the British Ministries of the time acting through the Presidents of the Board of Control, and for all consequences they have involved, the British Nation is clearly responsible. The Afghan War was one of the most notable of these, and it is now well understood that this War was undertaken by the British Government without consulting the Court of Directors, and in opposition to their views. It was in fact, a purely British War, but notwithstanding this, and in defiance of a solemn expression of unanimous opinion on the part of the Court of Directors and of a resolution of the Court of Proprietors of the East India Company that the whole cost of the War should not be thrown upon the Indian finances the ministry required this to be done. By this injustice ten millions were added to the debt of India. The late Persian war was proclaimed by the British Ministry in pursuance of a policy with which India had no real concern, but the war none the less was carried on by the troops and resources of India, and one half only of the total cost was subsequently settled to be borne by the revenues

of this country India in fact, has been required to furnish men and means for carrying on all our Asiatic wars and has never, in any instance, been paid a full equivalent for the assistance thus rendered which furnished irrefragable proof of the one-sided and selfish character of our Indian policy "

This is supported by John Bright, who said in the House of Commons

"Last year I referred to the enormous expenses of the Afghan War the real burden of which ought to be thrown on the taxation of the people of England, because it was recommended by the English Cabinet for objects supposed to be English "

It is recommended that this £35 million should be borne by Great Britain

#### COMPANY'S CAPITAL REDEMPTION, ETC

The East India Company's stock of £6 million was redeemed at a premium in 1874 by a payment of £12 million and interest had been paid at 10½ p c under the terms of the Chartered Act of 1833 These payments aggregate over £37 million as follows

Interest payments 1833-1857	15,120,000
" " 1858-1874	10,080,000
Capital Stock	12,000,000
	<hr/>
	£37,200,000

In the words of the report, "as against this charge upon the revenues of India, India received no substantial benefit " It practically amounts to the purchase price paid to the East India Company for surrender of such rights and properties as they may have had in the trade of India and for such properties as they then possessed The actual charge was the outcome of the arrangement made between the East India Company's Directors and Proprietors on the one hand, and the British Government representing the British Parliament and the British Public on the other In this the Indian People had absolutely no say, nor had their interests any consideration whatsoever

This arrangement cannot, in equity and good conscience, be held to be binding on the Indian people India as already mentioned, received no benefit from the transactions between the

British Government and the Company's Directors, either in the shape of the assets claimed to be valuable, and surrendered by the Company, or in the tangible form of any special advantage such as that which results from having sole charge of one's country's government, or even from having a fair share of the opportunities of service and development of the country's resources Indians were denied these privileges in their own country all through the Company's rule. The British Government, on the other hand, received many a considerable, as well as valuable, advantage from the operations of the East India Company, both as a territorial and a commercial body.

### COST OF THE "MUTINY"

The next claim is in respect of £20 million, the cost of the "Mutiny" of 1857. As these operations were necessitated by the mismanagement and mis-government of India by those who were in charge of it, the British Government for whom the Company was carrying on the Government of India at the time, is necessarily the proper party to shoulder that burden. The following extract from the letter of the Secretary of State for India dated the 8th August 1872 is given in support of this claim.

"The extraordinary case of the great mutiny of 1857-58 is the only case which gives even the plausibility to the War office representation, in that case, altogether unprecedented in the history of British India, the Imperial Government was compelled under the imminent risk of losing its Empire in the East, to make one of these efforts which are at times inseparable from Imperial powers and Imperial obligations. It must be remembered, however, that if similar exertions had been called for by War in any other part of Her Majesty's dominions not only must the same effort have been made, but the burden of it must necessarily have been borne, in greater part at least, by the Imperial Government, but, in regard to the Indian Mutiny, no part of the cost of suppressing it was allowed to call on the Imperial Exchequer, the whole of it was or is now being defrayed by the Indian tax-payers."

The case of Boer struggle is referred to as an instance where this principle was acted on. In that case Britain not only bore the cost of the War herself but also paid £3 million to assist the Boers to restore devastated farms.

"Thus the burdens and obligations which have fallen upon the people of India from the East India Company amount to over 112 million sterling made up as follows —

Cost of the First Afghan War	15,000,000
Cost of the two Burmese Wars	14,000,000
Cost of the Expeditions to China, Persia etc	6,000,000
On account of the Company's Capital and dividend	37,200,000
Cost of Mutiny	40,000,000
	<hr/>
	£112,200,000

It is but fair that India should now claim to be relieved from the burdens of expenditures which were wrongly put on her shoulders "

### INDIA UNDER THE BRITISH CROWN

The financial transactions of the Government of India since 1858 have been considered in two sections

(a) Those in regard to obligations described as "Unproductive", in which group come in items such as the cost of external wars, Miscellaneous charges, Famine Relief Charges, Exchange Losses, etc

### EXTERNAL WARS

Expenses aggregating to over 37 crores in connection with the Abyssinian Expedition, second Afghan War, Military Operations in Egypt and North West Frontier, the Burmese War etc. are challenged on the ground that these were all undertaken in Imperial interests, that is to say, in the interest of Great Britain and India was not concerned in them at all. In support of this contention is cited the statements of Lord Salisbury, Lord Northbrooke, the Secretary of State for India Sir Charles Trevelyan, Lord Lytton, Messrs Fancett, Gladstone, Gokhale Sir D E Wacha and others

As regards the European War (1914-1918) also no definite heads are made —(1) The return of the War "Gifts" and (2) a

share of the War Cost The first claim amounting to 189 crores is made on two grounds —

(a) That the Government of India, under the Statutes by which it is regulated had no power, whatsoever to make a gift to Great Britain out of the revenues of India and therefore the "Gifts", being illegal transactions, should be returned

(b) The amount was beyond the financial ability of the people of India and that India had contributed, apart from these financial "Gifts", by way of men and material far in excess of the contribution of any of the Dominions

The second claim in respect of part of the cost of the Military operations amount to 171 crores This is arrived at by adopting as standard Military expenditure the amount spent in the year 1914-15, and the excess over such standard between 1915-16 to 1920-21 is claimed

Thus, under this head of "External Wars" a claim of over 39 crores is made

### MISCELLANEOUS CHARGES

The expenses incurred in the maintenance of India office, Aden, Persian and Chinese Consulates, Ecclesiastical Charges etc estimated at £20 million are challenged on the ground that these are Imperial charges, and so should fall on the Imperial Exchequer and not on India

### BURMAH

It is claimed that the deficits of Burmah budgets since 1866 aggregating to about 15 crores and the interest charges and Railway deficits of about 22 crores and a share in respect of the expenses of Indian defence calculated at 1 crore a year amounting to 45 crores for the period since 1866 aggregating in all to 82 crores, should be made good to India (One member of the Committee is of the view that the claims in respect of Burmah should not be made except in the event of that province being separated)

## FAMINE RELIEF CHARGES

Expenses and burden imposed by these measures are recommended to be borne by India as these were incurred in her interest, however wastefully it might have been administered

## EXCHANGE LOSSES

It is pointed out that the country has suffered incalculable damage both in regard to its trade and as regards the depreciation of its silver wealth as a consequence of the Exchange and Currency policy of the Government. No claim is, however suggested and the losses are looked upon "as the price India has had to pay for the general financial incompetence and mismanagement of its administrators "

## REVERSE COUNCILS

This is described as the "most lamentable", operation, and the losses resulting from these transactions, amounting to about 35 crores, it is claimed, should be made good by Great Britain

## RAILWAYS

The policy of encouraging Railway construction by the system of Guaranteeing Interest on the Capital sunk has led to considerable waste and in many cases the cost per mile of a Guaranteed Railway is double than that of a State built Railway. This extravagance is strongly criticised

Many or most of the railways were built out of military considerations, and only of late they have been able to pay their way. Strictly a considerable amount of this so-called "Developmental" expenditure should be charged to Military expenditures. Be it as it may, the recommendation confines itself to only the expenses of admittedly strategic lines in the N W F Provinces and at Aden costing about 33 crores, which should be paid by Great Britain

When the Military properties were acquired by the State, the acquisition was made under the conditions that added considerably to the burdens of the people. The Companies were entitled, under the terms of that contract, to be paid the Market value of



their shares or stock, at the date of acquisition. Because of the guaranteed interest payments, the market price of these stocks and shares went up enormously when the State was about to acquire the properties. The Companies thus obtained the high price which was not warranted by their assets or by the return by the revenues. This is an unjustifiable burden to be imposed upon the people of India amounting to about 50 crores.

It is further pointed out that the fixed rate of exchange provided in the Contracts of the Railway Companies occasioned enormous losses to Indian Revenues but the actual amount of loss is difficult of determination, and the Committee submits that a deduction on this account must be made before taking over the debt incurred on the Railway account.

As regards the other "Productive" debt items such as Irrigation, Posts and Telegraphs etc., no claim is suggested although the extravagance of building a new Capital at Delhi is criticised and the Back Bay Reclamation scheme in Bombay is condemned.

Thus the total claims advanced are as follows —

#### UNDER THE COMPANY

	Crores.
External Wars	35
Capital and Interest	37
Cost of Mutiny	40

#### UNDER THE BRITISH CROWN

External Wars	37
European Wars "Gifts"	189
Cost	171
Miscellaneous Charges	20
In respect of Burmah	82
Reverse Council Losses	35
Railways	83
Total	Rs 729

(Exchange Rs 2 to 1900 and Rs 1-4-0 since)

## RECOMMENDATIONS

The present "Public Debt" of India amounts to over 1100 crores. Taking into consideration the ever growing material and political gain to Great Britain as the result of possessing India and in consideration of the suppression of Indian industries and talents, the Committee recommends that Great Britain should follow in dealing with India the precedent she set in releasing Ireland of her share of the National debt of the United Kingdom when Ireland was made a free state. "Every principle of fair play now requires that if India is to start on a new era of National Self-Government, it should start freely and without any burden. If any progress is to be achieved at all India cannot afford to bear any additional taxation. The only possibilities of progress for India therefore are the application of the national revenue to national purpose, and it is only by reducing the national expenditure on the civil and military administration of the country to suit its own requirements and free India from the liabilities for the public debts not incurred in her interests, that saving can be effected which could be applicable to the advancement of India in the matter of education and sanitation and other national means of regeneration."

The report is unanimous, Mr J C Kumarappa adds two notes. In the First Note, it is suggested that a claim be made in respect of annual Military Expenditures on such amount as may be shown to be due to Imperial interest as apart from the requirements of Indian defence. A standard is adopted and over and above that whatever is spent is to be borne by Great Britain. According to the calculation given, about 540 crores out of a total expenditure of 2128 crores, would seem to be due to be returned.

The second note deals with interest payments of claims. There it is suggested claiming all interest payment made in respect of the items challenged in the report. The calculations show another 536 crores but of a payment of 1050 crores, would appear to be due to be given back.

If these two claims advanced by Mr Kumarappa are to be admitted they in themselves will be sufficient to wipe out the whole of the Public Debt apart from any other consideration

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## APPENDIX IV.

### JINNAH'S FOURTEEN POINTS

The Muslims demanded at both sessions of the Round Table Conference that communal agreement must precede any political settlement and they took their stand on Mr Jinnah's now-famous Fourteen Points which were as follows —

(1) The form of the future constitution, should be federal with residuary powers vested in the provinces

(2) A uniform measure of autonomy shall be granted to all provinces

(3) All Legislatures shall contain adequate representation of minorities without reducing the majority of any province to a minority or even equality

(4) In the Central Legislature Moslem representation shall not be less than one-third

(5) Representation of communal groups shall continue to be by means of separate electorates

(6) Any territorial redistribution shall not affect the Moslem majority in the Punjab, Bengal and the N W F P

(7) Full religious liberty shall be guaranteed to all communities

(8) No Bill or resolution shall be passed if three-fourths of the members of any community in the particular body oppose such a Bill as injurious to that community

✓ S.D.J. should be separated from the Bombay Presidency

✓ Reforms should be introduced in the N W F Provinces and Baluchistan as in other provinces

✓ Provisions should be made in the Constitution giving the Muslims an adequate share in all the Services and in self-government bodies

✓ The Constitution should embody adequate safeguards for the protection and promotion of Moslem culture, education, literature and religion etc.

(13) No Cabinet, either Central or Provincial, should be formed without a proportion of Moslem ministers of at least one-third

(14) No change to be made in the constitution by the Central Legislature except with the concurrence of the States constituting the Indian Federation

The history of these fourteen points may be told in a few words. Early in the year 1927, indications were available that the Conservative Government of Great Britain would shortly appoint a Statutory Commission for examination of the next stage of India's political advance. The need was accordingly felt for a Hindu-Moslem understanding, as it was felt that the resolutions passed by the All-India Moslem League in its three previous sessions were not likely to receive the assent of the Hindu community. An understanding was fortunately arrived at between some Hindu and Moslem leaders in a meeting held at Delhi in March, 1927. The Moslems agreed to a joint electorate in return for the Hindus agreeing to separation of Sind and introduction of 'Reforms' in the N. W. Frontier Province. The Madras session of the Indian National Congress held in December next practically ratified this understanding and thus prepared the ground for an All-Parties Conference to draw up an agreed constitution. The Conference met at Delhi in February, 1928, but strong difference of opinion having soon manifested itself between the Hindu Sabha and the Moslem League with regard to the proposed separation of Sind, the latter withdrew from the Conference. In the following autumn the Conference without the Moslem League representatives published the approved report of its Committee subsequently known as the Nehru constitution. The Report recommended the separation of Sind from Bombay as a new province, it accepted the suggestion that the Frontier should be made a separate province. But it rejected the communal electorate, and reservation of seats in provincial legislatures for a majority community and conceded it only to a minority but in strict proportion to the population represented. These recommendations startled the Moslem politicians. Most of them opposed the Nehru-Report but some gave it a qualified approval. This led to a split in the Moslem camp. The left-wing Moslem group held its conference at Delhi simultaneously with the Calcutta Congress under the style of the All-Parties Moslem

### CLAIMS OF HINDU MAHASABHA

The Hindu Mahasabha's opinion on the Muslim demands\* is as follows —

1 The Hindu Mahasabha holds strongly the view that communal representation is fundamentally opposed to nationalism and gradually creates an increasing desire for the assertion of

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\* The memorandum was submitted at both sessions of the Round Table Conference by Dr R S Moonje, President of the Hindu Mahasabha

communal difference in various departments of public administration. The Sabha also thinks that this principle is unsuited to responsible Government in which preferences based on communal distinctions are out of place. In the working of responsible Government full freedom should be given for the growth of healthy adjustments satisfactory to the desire of minorities to take their proper place in the public life of the country. These adjustments, however, are born of experience and are the result of goodwill and understanding, which must have some time given to them to assert themselves. The Sabha, therefore, is of opinion that the future *Swaraj* in India should be laid on sound lines and no arrangements should be made here which will have the result, as experience shows, of increasing the communal tension, or of keeping the minorities in isolated compartments from one another or from the majority community. The Sabha, therefore, wishes to state that the following principles should be kept in view in framing any constitution for India —

- (a) That there shall be uniformity of franchise for all communities in each Province
- (b) That elections to all the elective bodies shall be by mixed electorates
- (c) That there shall be no reservations of seats on communal considerations on any of the elective bodies and educational institutions. But to start with, if a minority community in any Province were to demand a reservation of seats, such reservation may be granted only in the Legislatures for a short period
- (d) That the basis of representation of different communities shall be uniform, such as voting strength, taxation or adult population
- (e) That in no circumstances shall there be any reservation of seats in favour of any majority community in any Province
- (f) That the redistribution of Provinces in India, if and when necessary, shall be made on merits in the light of principles capable of a general application with due regard to administrative, financial and other similar considerations
- (g) That no new Provinces shall be created with the object of giving a majority therein to any particular com-

munity so that India may be evolved as one united nation, instead of being subdivided into Muslim India, Sikh India, Christian India and Hindu India.

2 Regarding the Muslim demand for separation of Sind, the Hindu Mahasabha, while agreeing to the principle of redistribution of Provinces as stated above in Section 1, sub-section 2, is opposed to it for the following reasons —

- (a) The creation of any new Provinces primarily or solely with a view to increase the number of Provinces in which a particular community shall be in majority is fraught with danger to the growth of sound patriotism in the country and will contribute to the growth of a sentiment favouring the division of India into different groups according to differences of religion
- (b) Redistribution of any Province without the consent and agreement of the two communities, Hindu and Muslim, is likely to increase the area of communal conflict and endanger the relations between the two communities not only in that Province, but throughout India. The Hindu community in Sind is against such separation
- (c) Separation of Sind will not only be financially a costly proposition, but would also arrest its economic development and its educational advancement. Besides, it will deprive the people of Sind of the many undeniable benefits of their association with the more advanced people of the Bombay Presidency in their commerce as well as their political development
- (d) Sind, if separated, may not be able to bear the financial burden of carrying on a separate administration and will have to depend for help either from the Central or the Bombay

immediate future. The Hindu Mahasabha, therefore, proposes that immediate steps be taken to secure to the Province with as little delay as possible the benefits of a regular system of administration, both judicial and executive, so that the Province may be prepared for the reformed constitution.

4 As regards the demand for provision giving the Muslims an adequate share in the Public Services of the State, the Hindu Mahasabha holds that there shall be no communal representation in the Public Service, which must be open to all communities on the basis of merit and competency, ascertained through open competitive tests.

5 As regards the Muslim demand that no Cabinet, either Central or Provincial, shall be formed without there being a proportion of Muslim Ministers, the Hindu Mahasabha cannot approve of the proposal, as it is a negation of the wholesome principle of joint responsibility of the Cabinet. In the future responsible Government the Cabinet will be formed by the Chief Minister selecting his own men, as in other self-governing countries. The Hindu Mahasabha, therefore, is of opinion that nothing shall be done to fetter his freedom to make his own selection of his colleagues on the Cabinet. He will naturally select such colleagues irrespective of their communities as will ensure strength and stability to the Cabinet.

6 As regards representation of minorities in the Legislatures, Central or Provincial, the Hindu Mahasabha stands for joint electorates, and a temporary provision for, say, the lifetime of the next two Legislatures, for reservation of seats for the minorities on the basis of their adult population or their voting strength, whichever shall be favourable to them. The system of reservation shall automatically disappear after the lapse of the period fixed.

7 Regarding the demand for vesting residuary powers in the Provincial Governments, the Hindu Mahasabha cannot agree to it, and stands for strong Central Government.

8 The Hindu Mahasabha stands for full religious liberty, i.e., liberty of belief, worship, observance, propaganda, association and education to be guaranteed to all communities alike, provided these rights are not exercised in such a way as to be provocative, offensive or obstructive to others.

9 The Hindu Mahasabha believes in the potency of joint



electorates to further the cause of evolution of India as one united nation, but if the Muslims believe that they cannot do without separate electorates the Hindu Mahasabha will be reluctantly obliged to agree to it provided that the Muslims adhere to the Lucknow Pact, and its provisions are not contravened or exceeded. The Hindu Mahasabha is of the opinion that it would be unfair to allow the Muslims to take all the benefits given to them under that arrangement for separate electorates, and also to claim other concessions.

10 The above statement is without prejudice to the Hindu Mahasabha's contention that the Muslims in India, having regard to their numerical strength and other circumstances, are not a minority of such a nature as the League of Nations has in view when it considers the claims of minorities. The Muslims in India are a numerically strong, well organised, vigorous and potent body with great facilities for self-development. There are other minorities like the Depressed Classes, Christians, Parsees, etc., who are infinitely weaker than the Muslims in all material respects, and the Sabha thinks it would be difficult to resist the claims of these minorities to concessions similar to those demanded by the Muslims if these are granted to the Muslims. The Sabha is anxious that India should not be split up on the very threshold of a new constitution, besides the Sabha is and always has been willing that all minorities, including the Muslims, which require special protection in the matter of religion, education and culture, should have the fullest opportunities for self-development, self-expression and self-protection. On a perusal of the arrangements made by the League of Nations in the case of many minorities in new provinces formed in Europe after the War, it will be clear that in no case have any claims been allowed like those the Muslims are putting forward in India.

11 The Sabha is willing that the whole of the Hindu-Muslim problem should be referred to individuals, or to a body like the League of Nations, who have dealt with such questions in the past, and have experience of them in other countries. It is necessary that the Hindu-Muslim problem should be examined by impartial men who have experience of such questions, and who will have the courage to solve them with impartiality.

12 The Hindu Mahasabha here feels the need of emphasising the point that the League of Nations, while providing for full legitimate protection to the minorities in matters concerning

their religion, culture and social customs, has scrupulously refrained from discriminating the nationals of a State on the basis of their religions, cultures or languages, as is demanded by the Muslims of India in the public administration of the country, where, according to the League of Nations, principles of freedom and equality in the political, economic and legal spheres should prevail

The Sabha concludes this statement by saying that in the solution of this communal question the caution must ever be borne in mind which was voiced by an expert of the League of Nations who was called upon to examine the minorities question, in his report as follows —

"It seems to me obvious that those who conceived this system of protection (of minorities) did not dream of creating within certain States a group of inhabitants who would regard themselves as permanently foreign to the general organisation of the country.

We must avoid creating a State within a State, we must prevent the minority from transforming itself into a privileged class, and taking definite form as a foreign group instead of becoming fused in the society in which it lives. If we take the exaggerated conception of the autonomy of minorities to the last extreme, these minorities will become a disruptive element in the State and a source of national disorganisation."

### CONGRESS AND COMMUNAL SETTLEMENT.

\*However much it may have failed in the realisation, the Congress has, from its very inception, set up pure nationalism as its ideal. It has endeavoured to break down communal barriers. The following Lahore resolution was the culminating point in its advance towards nationalism —

"In view of the lapse of the Nehru Report it is unnecessary to declare the policy of the Congress regarding communal questions, the Congress believing that in an independent India communal questions can only be solved on strictly national lines. But as the Sikhs in particular, and the Muslims and the other minorities in general, have expressed dissatisfaction over the solution of communal questions proposed in the Nehru Report, this Congress assures the Sikhs, the Muslims and other minorities that no

solution thereof in any future constitution will be acceptable to the Congress that does not give full satisfaction to the parties concerned "

Hence, the Congress is precluded from setting forth any communal solution of the communal problem. But at this critical juncture in the history of the Nation, it is felt that the Working Committee should suggest for adoption by the country a solution though communal in appearance, yet as nearly national as possible and generally acceptable to the communities concerned. The Working Committee, therefore, after full and free discussion, unanimously passed the following scheme —

1 (a) The article in the constitution relating to Fundamental Rights shall include a guarantee to the communities concerned of the protection of their cultures, languages, scripts, education, profession and practice of religion and religious endowments

(b) Personal laws shall be protected by specific provisions to be embodied in the constitution.

(c) Protection of political and other rights of minority communities in the various Provinces shall be the concern and be within the jurisdiction of the Federal Government

2 The franchise shall be extended to all adult men and women

(Note A —The Working Committee is committed to adult franchise by the Karachi resolution of the Congress and cannot entertain any alternative franchise. In view, however, of misapprehensions in some quarters, the Committee wishes to make it clear that in any event the franchise shall be uniform and so extensive as to reflect in the electoral roll the proportion in the population of every community.)

3 (a) Joint electorates shall form the basis of representation in the future constitution of India.

(Note B —Wherever possible the electoral circles shall be so determined as to enable every community if it so desires, to secure its proportionate share in the Legislature) †

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\* At a meeting of the Congress Working Committee held in Bombay in June, 1931 this formula of communal settlement was evolved and subsequently put forward at the Round Table Conference by Mahatma Gandhi.

† Note B was not part of the scheme but was added by Mahatma Gandhi as not being inconsistent with the scheme.

(b) That for the Hindus in Sind, the Muslims in Assam and the Sikhs in the Punjab and N W F P and for Hindus and Muslims in any Province where they are less than 25 per cent of the population, seats shall be reserved in the Federal and Provincial Legislatures on the basis of population with the right to contest additional seats

4 Appointments shall be made by non-party Public Service Commissions which shall prescribe the minimum qualifications, and which shall have due regard to the efficiency of the Public Service as well as to the principle of equal opportunity for all communities for a fair share in the public services of the country

5 In the formation of the Federal and Provincial Cabinets, the interests of minority communities should be recognised by convention

6 The North-West Frontier Province and Baluchistan shall have the same form of Government and administration as other provinces

7 Sind shall be constituted into a separate province, provided the people of Sind are prepared to bear the financial burden of a separate province

8 The future constitution of the country shall be Federal and the residuary powers shall vest in the federating units unless, on further examination, it is found to be against the best interests of India

The Working Committee has adopted the forgoing scheme as a compromise between the proposals based on undiluted communalism and undiluted nationalism. Whilst on the one hand, the Working Committee hopes that the whole nation will endorse the scheme, on the other, it assures those who take extreme views and cannot adopt it that the Committee will gladly, as it is bound to by the Lahore resolution, accept without reservation, any other scheme if it commands the acceptance of all the parties concerned "